

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2018

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.7307 of 2008

Dr.K.Chandrasekaran

...Petitioner

.Vs.

1. District Collector,
Villupuram District,
Villupuram.

2. Block Development Officer-cum
Commissioner,
Vanur Panchayat Union,
Villupuram District.

...Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the second respondent to implement the order dated 04.03.2008 in Ne.Mu.Ka.No.PD3/9835/2007 of the 1st respondent who ordered the second respondent to regularize the petitioner's services from 01.09.1989 to 26.03.1997 and to pay the arrears of salary for the said period with interest.

For Petitioner : Mr.P.Selvaraj

For Respondent 1 : M/s. Thanga Vadhana Balakrishnan
Additional Government Pleader

For Respondent 2 : Ms.C.K.Vishnu Priya

सत्यमेव जयते
ORDER

The petitioner prays to issue a Writ of Mandamus, to direct the second respondent to implement the order dated 04.03.2008 in Ne.Mu.Ka.No.PD3/9835/2007 of the 1st respondent who ordered the second respondent to regularize the petitioner's services from 01.09.1989 to 26.03.1997 and to pay the arrears of salary for the said period with interest.

2. The petitioner who is a Siddha medical officer at Kottakuppam dispensary in Vanur Panchayat union filed a W.P.No. 26563 of 2007 before this Court seeking for issuance of writ of mandamus directing the 1st respondent to pass orders on the representation made by the petitioner dated 18.04.2005 to pay

the arrears of salary due to the petitioner and this Court has also passed an order directing the first respondent to consider the representation of the petitioner and pass appropriate orders within a period of six weeks from the date of receipt of a copy of the order.

3. In order to comply with the orders passed by this Court, the first respondent has directed the second respondent to regularize the services of the petitioner between 01.09.1989 to 26.03.1997 and pay the arrears of salary due to the petitioner with interest. Since the second respondent has not complied with the said order the petitioner has approached the first respondent, namely the then collector of Villupuram District, who in turn has sent proceedings Roc.PD3/9835/2007 dated 26.12.2007 to pay the arrears amount due to the petitioner. In order to implement the order of the first respondent the petitioner has approached this Court. It is now seen from the counter filed by the second respondent dated 20.08.2011 that the petitioner was retired on 31.07.2003 AN, due to superannuation, and he has given many representations for the payment to the following period of absence.

1. 01.09.89 to 12.01.1993 - Leave on loss of pay
2. 01.01.1996 to 31.03.1995 - Leave on loss of pay
3. 01.04.1995 to 31.07.1995 - Medical Leave(LLP)
4. 01.08.1995 to 26.03.1997 - Leave on loss of pay and

the leave sanctioning authority the Commissioner, Panchayat Union, Vanur has already taken a decision and regularized the said period of absence as of and therefore the questions of further sanctions of leave does not arise. Further, the petitioner attained superannuation on 31.07.2003 and it is also seen from the counter that the petitioner has been sanctioned all the retirement and pension benefits after verifying his entire period of service by the Director of Local Fund Audit, Chennai in Ne.Mu.Ka.(v)/1/61874/2010 dt: 06.01.2011.

4. When the matter is listed today the learned counsel for the petitioner make a submission that the matter has become infructuous.

5. In view of the counter affidavit and the submission made by the learned counsel for the petitioner, this Writ Petition is dismissed as having become infructuous. No costs.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

smn

To.

1. The District Collector,
Villupuram District,
Villupuram.
2. The Block Development Officer-cum
Commissioner,
Vanur Panchayat Union,
Villupuram District.

+lcc to the Government Pleader, S.R.No. 39565

W.P. No.7307 of 2008

TR(03/08/2018)



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