

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 30.07.2018
CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.14403 of 2018

S.Sambathkumar

... Petitioner

Versus

1. The Secretary,
Health and Family Welfare Department,
Fort St. George, Chennai-600 009
2. The Director of Medical Education,
Kilpauk, Chennai - 600 010
3. The Superintendent,
Government R.S.R.M.Lying in Hospital,
Royapuram, Chennai - 600 013

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus to direct the respondents to extent the benefit of vide G.O.(D). No.238 Health and Family Welfare (C1) Department dated 19.02.2015 granted to other similarly placed to petitioner also employee by considering the representation dated 10.12.2016 with all attendant benefits by this Court.

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.V.Kadhirvelu,
Special Government Pleader

ORDER

The grievance of the writ petitioner in this case is that non consideration of his representation for regularisation of service from the anterior date that is 04.01.1988. According to the petitioner he was appointed on that date but his service was regularised from the year 2008 and as such he is unable to get the retiral benefit. The petitioner's case is that similarly situated persons have been given benefit of regularisation from the date of their appointment by the same respondent vide G.O. (4D).No.32 Public Health & Family Welfare Department dated 15.05.2012, but in his case, he has been discriminated in this regard. Hence, he has made his representation dated 10.12.2016 in this regard and the same being not attended to, he has filed the writ petition seeking the relief to issue a writ of mandamus directing the respondents to dispose of his representation keeping in mind the decision taken in G.O.Ms.No.32 dated

15.05.2012 by the Public Health and Family Welfare Department.

2. Mr.V.Kadhirvelu Special Government Pleader takes notice on behalf of the respondents.

3. After hearing the counsel for the parties, this Court is of the view that no useful purpose is going to be served by keeping the writ petition pending seeking reply affidavit from the Government respondent inasmuch as the relief sought for will no way cause prejudice to the respondents. Hence, in the absence of any reply affidavit, going through the materials on record, this Court disposes of this writ petition with the direction to the second respondent to take an informed and considered decision on the representation of the petitioner, especially the case of the petitioner that similarly situated persons have already been regularised from the retrospective date but the petitioner has been ignored. However, this order of the Court should not be a mandate on the merit of such representation but the entire direction is to dispose of the representation by taking a decision within a period of six weeks from the date of receipt of a copy of this Order keeping in mind the law in this regard.

4. With the aforesaid order, this writ petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Health and Family Welfare Department,
Fort St. George, Chennai-600 009

2. The Director of Medical Education,
Kilpauk, Chennai - 600 010

3. The Superintendent,
Government R.S.R.M.Lying in Hospital,
Royapuram, Chennai - 600 013

+1cc to the Government Pleader, S.R.No.52917

+1cc to Mr.P.Ganesan, Advocate in sr.no.51569 (07/08/2018)

W.P.No.14403 of 2018

NRL (CO)

BM 06/08/2018