

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 24.07.2018
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.23517 of 2007

N.Balasubramanian

... Petitioner

Versus

1.The Commissioner/Secretary,
Ministry of Health and Family Welfare,
Government of India,
Nirman Bhavan,
New Delhi - 110 0011.

2.The Secretary,
Health and Family Welfare Department,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009.

3.The Director of Family Welfare,
State Family Welfare Bureau,
DMS Complex 6th floor,
Teynampet,
Chennai - 600 018

4.The Secretary
Durgabai Deshumukh General Hospital
and Research Centre,
Raja Annamalaipuram,
Chennai-600 028

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent's communication dated 02.02.2007 under ref: R.No.24952/CA/FW/05 and to quash the same as illegal and invalid, and to direct the respondents 3 and 4 to compute the petitioner's salary and other allowances payable to him from 01.10.2003 upto and inclusive of 31.05.2006 on the basis of what he was drawing as on 30.09.2003 i.e., Rs.8163/- per month and pay the petitioner the said sum.

For Petitioner

: Mr.Ashok Menon

For Respondents

: Mr.R.Ravikumar,
Additional Government Pleader.

ORDER

Today when the writ petition is taken up for hearing the learned counsel for the petitioner fairly submits that he did not receive any instruction from the petitioner to prosecute this writ petition.

2. This writ petition was filed in the year 2007. In this writ petition, the petitioner, while challenging the communication dated 02.02.2007 of the third respondent, sought for a consequential direction to direct the respondents 3 and 4 to compute the petitioner's salary and other allowances payable to him from 01.10.2003 upto and inclusive of 31.05.2006 on the basis of what he was drawing as on 30.09.2003 i.e., Rs.8163/- per month and pay the petitioner the said sum. It is not known as to whether the petitioner was subsequently paid the salary and other allowance payable to him. Even at the time of filing the writ petition, the petitioner was 57 years old. Now, he would have reached the age of superannuation. Having regard to the above, the prayer sought for in the present writ petition cannot be granted, at this stage. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

- 1.The Commissioner/Secretary,
Ministry of Health and Family Welfare,
Government of India,
Nirman Bhavan,
New Delhi - 110 0011.
- 2.The Secretary,
Health and Family Welfare Department,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009.

3.The Director of Family Welfare,
State Family Welfare Bureau,
Research Centre,
Raja Annamalaipuram,
Chennai - 600 028.

+1cc to Mr.Ahhok Menon, Advocate, S.R.No.49662

+1cc to the Government Pleader, S.R.No.50388

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GSP(10/08/2018)



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