

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2018

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

W.P.No.29608 of 2018

Dr.S.Kumaravel

... Petitioner

versus

1.The Secretary,
Health and Family Welfare Department,
Fort St. George,
Chennai - 9.

2.The Director of Medical and Rural
Health Services,
No.258, DMS Complex 3rd Floor,
Anna Salai, Teynampet, Chennai - 600 018.

3.The Joint Director of Health Service,
Thiruvarur,
Thiruvarur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of writ of mandamus, to direct the respondents to consider the petitioner voluntary retirement application dated 07.10.2018 in the light of G.O.Ms.No.354 dated 23.10.2009, Health and Family Welfare Department and permit the petitioner to retire from service with effect from 13.01.2019.

For Petitioner : Mr.G.Rajan

For Respondents: Mr.R.S.Selvam,
Government Advocate

ORDER

The petitioner is a Doctor, who completed MBBS course in the year 1998 from Madurai Medical College. Thereafter, he was selected as Assistant Surgeon, after passing the examination conducted by TNPSC and he joined the post of Assistant Surgeon at Vada Madurai Primary Health Centre, Dindigul District in the year 1991.

1.1. It is the case of the petitioner that he should be given promotion as Chief Civil Surgeon in pay band-4 with effect from 11.01.2011 by virtue of G.O.Ms.No.354 Health and Family Welfare (B2) Department, dated 23.10.2009. But, the second respondent promoted him belatedly to the post of Chief Civil Surgeon along with 12 other medical officers on time bound promotion by proceedings dated 15.09.2014.

1.2. It is the further case of the petitioner that due to medical ailment, he went on medical leave for 50 days from 08.09.2017 to 27.10.2017 and for 10 days, from 01.05.2018 to 10.05.2018 and for 34 days from 21.05.2018 to 24.06.2018 and the period of medical leave applied by him had been approved by the respondents. In view of his ailment, he applied for voluntary retirement with effect from 13.01.2019. Even according to the computation made by the respondents, the cool-off period would over by 13.01.2019.

1.3. It is the claim of the petitioner that even though he has been granted promotion belatedly on 15.09.2014 and even though the petitioner is entitled to challenge the same, however, he is prepared to accept and go on voluntary retirement with effect from 13.01.2019.

2. In the above circumstances, the respondents are directed to permit the petitioner to go on voluntary retirement from 13.01.2019 and order in this regard shall be passed within a period of four weeks from the date of receipt of a copy of this order.

3. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary,
Health and Family Welfare Department,
Fort St. George, Chennai - 9.

2.The Director of Medical and Rural
Health Services,
No.258, DMS Complex 3rd Floor,
Anna Salai, Teynampet, Chennai - 600 018.

3.The Joint Director of Health Service,
Thiruvarur, Thiruvarur District.

+1cc to Mr.G.Rajan, Advocate, S.R.No.77617

+1cc to the Government Pleader, S.R.No. 78029

W.P.No.29608 of 2018

VD(CO)

rrs 07/12/2018