



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P (MD) No.2413 of 2018

R.Senthamarai Kannan

... Petitioner

Vs.

1. The Director of Medical Education,
Kilpauk, Chennai-10.
2. The Dean, Thanjavur Medical College,
Thanjavur.
3. The Dean,
Tirunelveli Medical College,
Tirunelveli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to pay the yearly increment from the date of regularization of the petitioner's service as Junior Assistant based on the orders of respondent 1 and 2 dated 09.05.2016 and 26.05.2016 respectively and all service and monetary benefits.

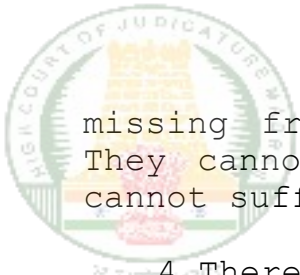
For petitioner : Mr.H.Arumugam
For respondents : Mr.J.Gunaseelan Muthaiah,
Addl., Govt., Pleader

O R D E R

Heard the learned counsel for the parties.

2.The petitioner was appointed as Junior Assistant in the second respondent college on 12.10.2007. He is presently working in the third respondent college in the same post. He has been regularized by order dated 26.05.2016. It appears that the original documents submitted by the petitioner have gone missing. He has been repeatedly directed by the authorities to produce duplicate copies. But then on this score the increments payable to the petitioner cannot be withheld.

3. It is not in dispute that the petitioner is possessing the requisite service qualifications. They have been duly entered in his service register also. It is obvious that the records went



missing from the custody of the official respondents themselves. They cannot take advantage of their own wrong. The petitioner cannot suffer for their lapses.

4. Therefore, the respondents are directed to sanction and pay the yearly increment to the petitioner from the date of regularization of his service and disburse all other consequential benefits. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

5. This writ petition is allowed. No costs.

Sd/-
Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The Director of Medical Education,
Kilpauk, Chennai-10.
2. The Dean, Thanjavur Medical College,
Thanjavur.
3. The Dean,
Tirunelveli Medical College,
Tirunelveli.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 56859
+ 1 CC TO Mr.H.ARUMUGAM, ADVOCATE IN SR No. 57102

SKM
TE/KKR/SAR-1 : 04/04/2018 : 2P/6C

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