



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 29.08.2018
CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A.(MD) No.1141 of 2018
and
CMP(MD)No.8125 of 2018

1.M.Rajendran
2.G.Moses
3.G.Narayanasamy
4.S.Ganesan
5.R.Mohan
6.P.Muthusamy
7.V.Jayaraman
8.A.M.Mohamed Rabeek
9.G.Paramasivan
10.U.Sivanesan
11.Public Health Department Official's Association,
rep.by its General Secretary,
J.Lakshmi Narayanan ... Appellants

vs.

1.State of Tamil Nadu,
rep.by its Principal Secretary,
Department of Health and Family Welfare,
Fort St. George, Chennai - 9.
2.The Director of Public Health and Preventive Medicine,
Directorate of Public Health and Preventive Medicine,
Chennai - 600 006. ... Respondents

Prayer: Appeal filed under Clause 15 of the Letter Patent Act against the order passed in W.P.(MD)No.16631 of 2018 in WMP(MD) No.14717 of 2018 dated 27.07.2018.

Prayer in WMP(MD)No. 14717/ 2018 :

To pass an order of interim stay of operation of the impugned order in Letter (D) No.924 dated 23.05.2018 on the file of the Respondent No.1 and the Consequential impugned order in R.No.16876/MP1/S4/2014 dated 15.06.2018 on the file of the respondent No.2 pending disposal of the writ petition.



Prayer in WP(MD)No. 16631/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorari to call for the records pertaining to the impugned order in Letter (D) No.924 dated 23.05.2018 on the file of the Respondent No.1 and the Consequential impugned order in R.No.16876/MP1/S4/2014 dated 15.06.2018 on the file of the respondent No.2 and quash the same as illegal.

For Appellants : Mr.T.Lajapathi Roy

JUDGMENT

[Judgment of the Court was delivered by M.M.SUNDRESH, J.]

After perusing the order under challenge, we are of the view that the learned Single Judge has granted stay only in respect of recovery alone and thought it fit not to grant stay for withdrawal of the concession, which will have the prospective effect on a prima facie consideration. Therefore, the appellants can agitate the same before the learned Single Judge, as the application is still pending. It is not as if the learned Single Judge declined to consider the case of the appellants for withdrawing the concession even prospectively.

2.Thus, leaving to the issues open, we dispose of the Writ Appeal with a direction to the Registry to post WMP(MD)No.14717 of 2018 before the learned Single Judge within a period of two weeks. No costs. Consequently, CMP(MD)No.8125 of 2018 is closed.

Sd/-

Assistant Registrar(Crl.side)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

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

2.The Director of Public Health and Preventive Medicine,
Directorate of Public Health and Preventive Medicine,
Chennai - 600 006.

**Copy To:**

The Section Officer, (Writ Posting)
Writ Section,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.T.Lajapathi Roy, Advocate, SR.No.81081

W.A.(MD) No.1141 of 2018
29.08.2018

MJ
ES/SKN/RSK/SAR 4/14.09.2018/3P/5C