



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 28.03.2018

CORAM:

THE HONOURABLE **MR. JUSTICE G.R. SWAMINATHAN**

W.P. (MD) No. 24145 of 2017

and

W.M.P (MD) No. 20265 of 2017

Dr.T.Udaya Marthandan

... Petitioner

Vs.

1. The Principal Secretary to Government,
Health and Family Welfare (IM 1-1) Department,
Secretariat,
Fort St. George,
Chennai - 6000 009.

2. The Additional Chief Secretary / Commissioner,
Indian Medicines and Homeopathy,
Chennai - 629 001.

3. The District Siddha Medical Officer,
Kanyakumari District,
Nagercoil 629 001.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of G.O(D)982 Health and Family Welfare (1M1-1) Department dated 26.04.2017 quash the same as far as providing monetary benefits only from the date of his joining in the promotion post of District Siddha Medical Officer and consequently directing the respondents to provide with monetary benefits from the date of promotion of his junior Dr.K.Sivakumar on 31.12.2008

For Petitioner : Mr. C.T.Perumal

For Respondents : Mr.J.Gunaseelan Muthiah AGP.,

O R D E R

The petitioner was originally appointed as Assistant Siddha Medical Officer on 16.07.1983. He was promoted as District Siddha Medical Officer on 26.04.2017 but with effect from 31.12.2008, the date when his junior Dr.K.Sivakumar was promoted. However, it was made clear in the said G.O.Ms.No.981, Health and Family Welfare Department, dated 26.04.2017 that monetary benefits shall be given from the date of actual joining of duty in the post of the



District Siddha Medical Officer as per Rule 17 of FR-27. The grievance of the petitioner is that the increment that is allowable to him as per part B of the G.O.Ms.No.311, Finance Department, dated 23.10.2017, was not conferred on him. Therefore, he has given representation dated 16.05.2017 and again on 02.11.2017.

2.The first respondent is directed to consider the representation of the petitioner in the light of the G.O.Ms.No.311, Finance Department, dated 27.10.2017 and pass appropriate order within a period of eight weeks from the date of receipt of a copy of this order.

3.With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

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Health and Family Welfare (IM 1-1) Department,
Secretariat,
Fort St. George,
Chennai - 6000 009.
2. The Additional Chief Secretary / Commissioner,
Indian Medicines and Homeopathy,
Chennai - 629 001.
3. The District Siddha Medical Officer,
Kanyakumari District,
Nagercoil 629 001.

+1cc to C.T.Perumal, Advocate Sr.No.58712

SKN

VB/SKN/RSK/SAR1/24.04.2018/2P/5C

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