

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.16399 of 2019

M.Periyasamy

..Petitioner

Vs.

1.The Government of India
represented by its
Secretary to Government,
Department of Health and Family Welfare,
Fort St. George, Chennai - 600 009.

2.The Director of Medical Services,
59, Anna Salai, DMS Compound,
Teynampet, Chennai - 600 009.

3.The Joint Director of Health Services,
Government Head Quarters Hospital,
Erode - 638 001.

4.The Deputy Director of Health Services,
Thindal, Erode - 638 012.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 08.07.2015 to include his past services between 23.02.1987 and 11.10.2010 rendered in Chinthamani Supermarket, for tagging it with the present service in the post of pharmacist.

For Petitioner : Mr.N.Manokaran

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

O R D E R

The prayer sought for in the Writ Petition is to direct the respondents to consider and pass orders on the representation of the petitioner dated 08.07.2015 to include his past services between 23.02.1987 and 11.10.2010 rendered in Chinthamani

Supermarket, for tagging it with the present service in the post of pharmacist.

2.The case of the petitioner is that he was initially appointed in the post of Assistant Pharmacist on 17.02.1987. Thereafter, the Joint Registrar of Cooperative Societies, Erode issued No Objection Certificate dated 26.10.1987 for registering his name in the employment exchange. Then he registered his name on 04.11.1987 in the employment exchange. On 30.12.1999, he was promoted to the post of Pharmacist and further promoted to the post of Manager on 01.02.2010 in Chinthamani Supermarket. After serving in different places, he got transfer to the post of Pharmacist in Government Hospital, Gobichettipalayam on 30.05.2014. Having served for a period of 13 ½ years i.e., between 23.02.1987 and 11.10.2010 in Chinthamani Supermarket, he got an appointment order dated 11.10.2010 to serve in the Department of Medical Education. However, his long service rendered in Chinthamani Supermarket has not been taken into consideration by the respondents.

3.Hence the petitioner submitted a representation dated 08.07.2015 to the 4th respondent to consider the entitlement to tag his previous service in Chinthamani as part of his present service. After receipt of his representation, the 4th respondent sent a communication dated 26.03.2016 to the petitioner to submit a petition along with Government Orders if any for considering the past service. But till date, the 4th respondent has not considered his representation. Aggrieved by the same, the petitioner has filed the above Writ Petition.

4.The learned counsel for the petitioner would submit that it would be suffice to issue directions to the respondent to dispose of the representation in accordance with law.

5.Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, I am inclined to issue direction to the 4th respondent to consider the representation of the petitioner dated 08.07.2015 and pass orders on the same in accordance with law, if not disposed already, within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

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To

1.The Government of India
represented by its
Secretary to Government,
Department of Health and Family Welfare,
Fort St. George, Chennai - 600 009.

2.The Director of Medical Services,
59, Anna Salai, DMS Compound,
Teynampet, Chennai - 600 009.

3.The Joint Director of Health Services,
Government Head Quarters Hospital,
Erode - 638 001.

4.The Deputy Director of Health Services,
Thindal, Erode - 638 012.

+1cc to Mr.N.Manokaran, Advocate SR.No.78261

+1cc to Government Pleader SR.No.78451

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RSV(CO)
GMY(01/11/2019)



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