



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:02.04.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD)No.7757 of 2019

Dr.R.Revathi,
Assistant Professor of Pathology,
Govt.Thoothukudi Medical College Hospital,
Thoothukudi, Thoothukudi District.

... Petitioner

vs.

1.The Secretary to Government of
Tamil Nadu,
Health and Family Welfare Department,
Secretariat,
Fort St.George,
Chennai-600 009.

2.The Director of Public Health and Preventive
Medicine,
Anna Salai, Teynampet,
Chennai-600 006.

3.The Director of Medical Education,
Kilpauk, Chennai-600 010.

4.The Dean,
Govt.Thoothukudi Medical College and Hospital,
Thoothukudi,
Thoothukudi District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first and second respondents to include the petitioner's name in the 2003-2004 seniority panel in the cadre of Assistant Surgeon and pay all service benefits including revised scale of pay as per G.O.(Ms). NO.303, Finance (Pay Cell) Department, dated 11.10.2017 based on her representation in the light of the proceedings of the second respondent in R.No.47018/E5/A3/2006-1, dated 12.07.2012 within the time limit as fixed by this Court.

For Petitioner	:	Mr.G.Thalaimutharasu
For Respondents	:	Mr.V.Anand
		Government Advocate

**ORDER**

The Writ Petition is filed seeking a direction to the first and second respondents to include the petitioner's name in the 2003-2004 seniority panel, in the cadre of Assistant Surgeon and pay all service benefits including revised scale of pay as per G.O. (Ms).NO.303, Finance (Pay Cell) Department, dated 11.10.2017 based on her representation, in the light of the proceedings of the second respondent in R.No.47018/E5/A3/2006-1, dated 12.07.2012 within the time limit as fixed by this Court.

2. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate, who takes notice for the respondents. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that she has been selected for the post of Assistant Surgeon for the year 2003-2004 by the proceedings of the second respondent dated 12.07.2012. Hence, the respondents ought to have regularized her service on par with her batch mates. However the second respondent regularized her service only from 21.04.2008. Hence, she made a representation dated 29.06.2017 to the respondents to include her name in the seniority panel for the year 2003-2004 pursuant to the proceedings of the second respondent dated 12.07.2012 and to pay the revised scale of pay as per G.O.(Ms)No.303, dated 11.10.2017. Since the same has not been considered so far, the present Writ Petition is filed by the petitioner.

4. The learned Government Advocate appearing for the respondents would submit that the representation of the petitioner would be considered on merits and in accordance with law within a time frame as fixed by this Court.

5. Considering the nature of the relief as sought for by the petitioner, without going into the merits of the petitioner's case, the respondents are directed to consider the representation of the petitioner dated 29.06.2017 seeking to include her name in the seniority panel for the year 2003-2004, if not already considered, pursuant to the proceedings of the second respondent dated 12.07.2012 and to pay the revised scale of pay as per G.O.(Ms) No.303, dated 11.10.2017 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.



6. The Writ Petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (T & P)

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Sub Assistant Registrar (CS)

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To

1. The Secretary to Government of
Tamil Nadu,
Health and Family Welfare Department,
Secretariat,
Fort St. George,
Chennai-600 009.

2. The Director of Public Health and Preventive
Medicine,
Anna Salai, Teynampet,
Chennai-600 006.

3. The Director of Medical Education,
Kilpauk, Chennai-600 010.

4. The Dean,
Govt. Thoothukudi Medical College and Hospital,
Thoothukudi,
Thoothukudi District.

+1CC TO MR.G.THALAIMUTHARASU, Advocate Sr. No. 58625
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.58602

W.P (MD) No. 7757 of 2019
02.04.2019

TR (27.04.2019) 3P 7C