

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2020

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.28913 of 2004
and
W.M.P. No.35118 of 2004

Dr. S. Senthilkumar

...Petitioner

Vs.

1. The District Collector,
Perambalur,
2. The Deputy Director of Health Services,
Perambalur.
3. Dr. P. Ramesh
Primary Heath Centre,
Meensurity, Udayarpalayam TK.
Perambalur Dist.
4. Dr. S. Indirani,
Primary Health Centre,
Meensurity, Udayarpalayam TK.
Perambalur Dist.
5. Dr. K. Sangeetha,
Primary Health Centre,
Andimadam, Perambalur Dist.
6. Dr. Raja Mohan Gandhi,
Primary Health Centre, Andimadam,
Perambalur Dist.
7. Dr. Ananda Moorthy,
Primary Health Centre,
Karai, Perambalur TK.
Perambalur Dist.
8. Dr. Vanmathi,
Primary Health Centre,
Karai, Perambalur TK.
Perambalur Dist.

...Respondents

Prayer: Petition filed praying to issue a Writ or Order or Direction and in particular a Writ of Mandamus directing the 1st respondent to consider the case of the petitioner for appointment of Medical Officer on contract basis in pursuance of the G.O. Ms.No.188 dated 28.12.1976 Personnel and Administrative Reforms (Personnel) Department and pass orders by placing the petitioner in appropriate seniority among the respondents 3 to 8.

For Petitioner : Mr. S. Senthil Nathan
For Respondents 1&2 : Mr.K. Magesh
(Spl. Government Pleader)
For Respondents 3-8 : No Appearance

O R D E R

This writ petition is filed praying to issue a writ of Certiorarified Mandamus to call for records relating to the order of the Government in G.O. Ms.No.250, Rural Development (E-5) Department, dated 14.09.2000 and quash paragraph 3(e) of the said Government Order and direct the respondents to allow DCRG, Commutation of Pension and Pension and grant all consequential benefits.

2. When the matter is taken up for hearing today, Mr. K. Mahesh, the learned Special Government Pleader submitted that a counter affidavit has been filed on behalf of the respondents 1 & 2 wherein it has been stated in para 3 & 4 as under:

"3. The petitioner was selected and appointed through G.O.Ms.No.31, Health and Family Welfare (B2) Department, dated 03.03.2005 in the medical service department on purely contract basis and the appointment is liable to be terminated at any time during the period of contract without any notice and assigning any reason.

4. It is further submitted that the petitioner was selected along with 54 Doctors through the said above G.O. and appointment order was issued to him appointing as a Medical Officer on 17.03.2005 and he joined as Medical Officer Primary Health Centre, Vettiyarvettu Ariyalur District after executing an agreement with Health Department, Government of Tamil Nadu. But the Petitioner who had joined in the Tamil Nadu Government Medical Service and continuing in the same Department and got elevated to higher cadres and now he is working as a Assistant Professor at Madras Medical College in Chennai and continuing in the Medical service till now. There is no illegality and it is purely on administrative grounds for delay in issuing appointment Orders at first instant. So, the writ petition filed by the petitioner at earlier even before the petitioner got appointment order and the

writ petition may be dismissed.

3. The learned counsel for the petitioner has not made any objection in this regard.

4. In view of the above, nothing survives in this writ petition for further adjudication. Accordingly, the Writ petition is dismissed as infructuous. No Costs. Consequently, connected miscellaneous petition is closed if any.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

lbm
To

Sub Assistant Registrar

1. The District Collector,
Perambalur,
2. The Deputy Director of Health Services,
Perambalur.

+1cc to the Government Pleader, S.R.No.41965

W.P.No.28913 of 2004
and
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nmi (CO)
rv(22/01/2021)

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