

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.3078 of 2020

D.Hemakumar

... Petitioner

-Vs-

1. The Health Secretary,
Ministry of Health and Family Welfare,
Fort St. George, Chennai 600 009.
 2. Director of Public Health and Preventive Medicine,
O/o. The Director of Public Health and Preventive Medicine,
Teynampet, Chennai 600 006.
 3. The Deputy Director of Public health and Preventive Medicine,
Institute of Public Health, Poonamallee,
Chennai 600 056.
 4. The Block Medical Officer,
Government Block Primary Health Centre,
Nemam - 600 124.
- ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to consider my representation dated 04.11.2019 and based upon the representation promote the petitioner as Health Educator and also pay the arrears right from 1995 to till date along with duty pay from 04.07.2019 onwards to the petitioner.

For Petitioner : Mr.J.Milton Arul Rajendran
For Respondents : Mr.A.Zakir Hussain
Government Advocate

ORDER

This Writ Petition has been filed for the issue of writ of Mandamus, directing the 2nd respondent to consider the representation made by the petitioner dated 04.11.2019 and to grant certain reliefs claimed by the petitioner.

2. The case of the petitioner is that he was working as a Health Inspector Grade I. According to the petitioner, he is entitled for promotion and arrears of pay from the year 1995 onwards.

3. A criminal case came to be registered against the petitioner in the year 1997 and the petitioner was arrested and remanded to judicial custody. Thereafter, the petitioner was kept under suspension. Ultimately, the Criminal case came to be closed as mistake of fact. Since the suspension of the petitioner continued, the petitioner approached this Court and challenged the suspension order dated 16.08.1999. This Court by an order dated 14.03.2019, quashed the suspension order and directed reinstatement of the petitioner into service.

4. After the above orders, by proceedings dated 17.06.2019, the suspension order was revoked and the petitioner was directed to rejoin the service. The petitioner has posted as a Health Inspector Grade - I at Government Primary Health Center at Thiruninravur.

5. The petitioner thereafter made a representation to the respondents to consider his promotion and to pay the arrears that remains due from the year 1995 onwards and also to pay his duty pay from July 2019. Since the same has not been considered by the respondents, the present writ petition has been filed before this Court.

6. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

7. Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the 2nd respondent to consider the representation made by the petitioner on 04.11.2019 and pass appropriate orders, strictly in accordance with law, within a period of six weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 2nd respondent along with copy of the representation dated 04.11.2019 and also a copy of this order.

5. This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rka

To

1. The Health Secretary,
Ministry of Health and Family Welfare,
Fort St. George, Chennai 600 009.
2. Director of Public Health and Preventive Medicine,
O/o. The Director of Public Health and Preventive Medicine,
Teynampet, Chennai 600 006.
3. The Deputy Director of Public health and Preventive Medicine,
Institute of Public Health, Poonamallee,
Chennai 600 056.
4. The Block Medical Officer,
Government Block Primary Health Centre,
Nemam - 600 124.

+3ccs to Mr.J.Milton Arul Rajendran , Advocate SR.No. 10214

+1 cc to Government Pleader Sr.No. 11386

W.P.No.3078 of 2020

A.SK(17/02/2020)

सत्यमेव जयते

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