



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.759 of 2020

Dr.R.Murugan

... Petitioner

vs.

1. The Secretary to Government
Health and Family Welfare Department
For St.George, Chennai

2. The Director
Indian Medicine and Homeopathy
Arumbakkam
Chennai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the respondents to regularize the services of the petitioner from the date of his original appointment ie. 13.07.1982 on the basis of the representation of the petitioner dated 21.11.2016.

For Petitioner : Mr.V.Kannan

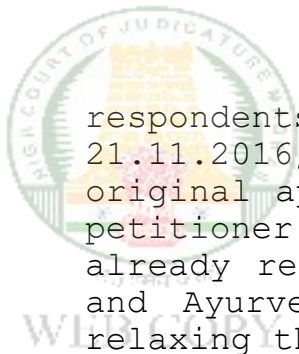
For Respondents : Mr.C.M.Mari Chellaiah Prabhu
Additional Government Pleader

O R D E R

The Writ petition has been filed for a direction to the respondents to regularize the services of the petitioner from the date of his original appointment ie. 13.07.1982 on the basis of the representation of the petitioner dated 21.11.2016.

2.The learned Additional Government Pleader takes notice on behalf of the respondents. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.According to the petitioner, he was appointed as Assistant Medical Officer (Siddha) on temporary basis on 13.07.1982 at Primary Health Centre, Vadakankulam, Tirunelveli District by the second respondent through his proceedings dated 24.06.1982. Subsequently, he was appointed for the same post through Tamil Nadu Public Service Commission and thereafter, on 02.03.1986 his service came to be regularized. On 27.08.2011, he was promoted as the District Siddha Medical Officer and was appointed to the Government Hospital at Naguneri. The grievance of the petitioner is that his service was not regularised from the date of his original appointment ie on 13.07.1982. Therefore, he made several representations to the



respondents on various dates and the last representation, dated 21.11.2016, seeking to regularize his service from the date of his original appointment ie. on 13.07.1982. The learned counsel for the petitioner would submit that the Government of Tamil Nadu had already regularized the services of 83 Medical Officers in Siddha and Ayurveda Wing from the date of their initial appointments, relaxing the requirement of minimum 4 years services under Rule 4 of the Ad-hoc Rules (relating to age) under G.O.No.442 (Health and Family Welfare Department), dated 12.09.1997. Therefore, the petitioner is entitled to be granted the same benefit. Hence, he has come up with the present Writ petition.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

5.Considering the limited scope of prayer sought for in the Writ petition, the second respondent is directed to dispose of the representation of the petitioner, dated 21.11.2016 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner is directed to submit the copy of the representation along with this order copy to the second respondent.

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

Sd/-

Assistant Registrar (records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa

To

1.The Secretary to Government
Health and Family Welfare Department
For St.George, Chennai

2.The Director
Indian Medicine and Homeopathy
Arumbakkam
Chennai

+1 CC to Mr.V.KANNAN, Advocate (SR-1637[F] dated 13/01/2020)

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