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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.21028 of 2021
(Through Video Conferencing)

Dr. (Sqn Ldr) S.B.Rajesh Ram

...Petitioner

Vs

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
Health and Family Welfare Department,
Fort St. George,
Chennai.
2. The Director of Medical &
Rural Health Services,
Teynampet,
Chennai - 600 006.
3. The Joint Director of Medical
and Health Services,
Thanjavur District,
Kumbakonam - 612 001.
4. The Hospital Superintendent
Government Hospital,
Kumbakonam - 612 001.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pass necessary orders treating the petitioner to have joined duty at Government District HQ Hospital, Kumbakonam on 29.02.2020 and consequently direct the respondents to pay arrears of salary with interest at the rate of 6% per annum grant continuity of service, attendant and other service benefits to the petitioner for the period between 29.02.2020 to 04.06.2020 within a time fixed by this Hon'ble Court as requested by the petitioner in his representation dated 05.01.2021 and 20.08.2021 addressed to the second and third respondents respectively.



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For Petitioner : Mr.C.S.K.Sathish

For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate

ORDER

It is the case of the petitioner that the petitioner was earlier subjected to a disciplinary proceedings which came to be challenged by the petitioner in W.P(MD).No.1773 of 2013 and W.P.No.31369 of 2019. It is further submitted that W.P.No.31369 of 2019 was allowed on 28.02.2020 and therefore the petitioner reported to duty at the Government District Head Quarters Hospital at Kumbakonam on 29.02.2020 at the Forenoon.

2. However, the Hospital Superintendent declined to permit the petitioner to join duty and stated that the Joint Director has to be consulted namely the third respondent herein. Thereafter, the petitioner sent several representations to the respondents. Ultimately, the petitioner was permitted to join duty at Government Headquarters Hospital at Kumbakonam on 05.06.2020.

3. The respondents have now declined to regularize the period between 29.02.2020 forenoon and 04.06.2020 afternoon on the ground that the petitioner was not in service during the aforesaid period.

4. The petitioner has sent a representation through proper channel to the second respondent with a request to re-consider the decision as the petitioner cannot found fault for not having been allowed to work from 29.02.2020 forenoon to 04.06.2020 afternoon.

5. The facts on record seems to indicate that the petitioner indeed attempted to join duty on 29.02.2020 after orders came to be passed by this Court on 28.02.2020 in W.P.No.31369 of 2019. Ultimately, the petitioner was allowed to join duty only on 05.06.2020.

6. Considering the above, the second respondent is directed to consider the representation dated 20.08.2021 of the petitioner favourably by regularizing the period between 29.02.2020 forenoon to 04.06.2020 afternoon and restore the continuity of service of the petitioner. The second respondent shall also pay arrears of the income which has been deducted. This exercise shall be carried out by the second respondent within a period of twelve weeks from the date of receipt of a copy of this order.



7. This Writ Petition stands allowed in terms of the above observations. No costs.

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Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

arb

To

1. The Secretary,
Government of Tamil Nadu,
Health and Family Welfare Department,
Fort St. George, Chennai.
2. The Director of Medical & Rural Health Services,
Teynampet, Chennai - 600 006.
3. The Joint Director of Medical and Health Services,
Thanjavur District, Kumbakonam - 612 001.
4. The Hospital Superintendent Government Hospital,
Kumbakonam - 612 001.

+1cc to Mr.C.S.K.Sathish, Advocate, S.R.No.51224

+1cc to the Government Pleader, S.R.No.51586

W.P.No.21028 of 2021

CA(CO)
RGA(22/11/2021) (06/12/2021)