



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD)No.13111 of 2016

Dr.A.C.Thiyagarajan, B.S.M.S.

... Petitioner

Vs.

1.The Principal Secretary,

Health and Family Welfare and Indian Medicine Department,
Government of Tamil Nadu,

Fort.St.George, Chennai - 600 009.

2.The Principal Secretary and Director of Indian Medicine
and Homeopathy,

Arumbakkam, Chennai - 600 106.

3. K.Saleem

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 and 2 to fix the petitioner's seniority after the last name of Assistant Medical Officer, Tamil Nadu Medical Services whose service was regularized on or before 12.01.1987 taking 12.01.1987 as crucial date following the judgement passed in W.P.(MD) No.3908 of 2009, dated 23.09.2014 by the Madurai Bench of Madras High Court and also give notional promotion (time bound) to the post of Medical Officer based on G.O.Ms.No.51, Health and Family Welfare (IM2-1) Department dated 25.03.2013 and Letter No.29372/1M2-1/2013-13, dated 08.10.2015 by Secretary to Government, Health and Family Welfare (1M2-1) Department to the Principal Secretary / Commissioner of Indian Medicine and Homeopathy with monetary benefit from 01.04.2013 and pay all terminal benefits based on this to the petitioner.

For Petitioner : Mr.M.Ramu
for Mr.D.Sadhasivan

For R1 & R2 : Mr.M.Muthugeethayan
Special Government Pleader

For R3 : Mr.V.Paneerselvam

O R D E R

This writ petition has been filed for a direction to the respondents 1 and 2 to fix the petitioner's seniority, after the last name of Assistant Medical Officer, Tamil Nadu Medical Services whose service was regularised on or before 12.01.1987, taking 12.01.1987 as crucial date, following the order passed by this Court in W.P.(MD).No.3908 of 2009, dated 23.09.2014 and also give notional promotion (time bound) to the post of Medical Officer, based on G.O.Ms.No.51, Health and Family Welfare (IM2-1) Department, dated 25.03.2013 and Letter No.29372/1M2-1/2013-13, dated



08.10.2015.

2. The case of the petitioner is that he was joined as Assistant Medical Officer (Siddha) in the Primary Health Centre, Avinashi, Coimbatore District on 12.01.1987 and retired as Assistant Medical Officer (Siddha) Special Grade on 29.02.2016. However, his seniority was not fixed in the cadre of Assistant Medical Officer. Hence, the petitioner has made a representation to the second respondent on 02.10.2014, to fix his seniority in the post of Assistant Medical Officer. However, till date no order was passed. Therefore, the petitioner has approached this Court by filing this writ petition.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner would submit that this Court may issue a direction to the second respondent to consider the petitioner's representation, dated 02.10.2014, within a reasonable time as fixed by this Court.

4. The learned Special Government Pleader appearing for the respondents 1 and 2 has no serious objection for considering the petitioner's representation, dated 02.10.2014.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the second respondent to consider the petitioner's representation, dated 02.10.2014 and pass appropriate 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 also directed to enclose the copy of the representation along with the order passed in this writ petition.

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

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv

To

1.The Principal Secretary,

Health and Family Welfare and Indian Medicine Department,
Government of Tamil Nadu,

Fort.St.George, Chennai - 600 009.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Principal Secretary and Director of Indian Medicine
and Homeopathy,
Arumbakkam, Chennai - 600 106.

WEB COPY

+1 CC to M/s.V.PANNEER SELVAM, Advocate (SR-7381[F] dated
25/02/2021)

W.P. (MD) No.13111 of 2016
24.02.2021

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MJ (CO)
KK (08.03.2021) 3P 4C