



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD)No.22830 of 2017

and

W.M.P. (MD) .No.19133 of 2017

Kalimuthu

.. Petitioner

Vs.

1.The State of Tamilnadu represented by
the Principal Secretary,
Department of Health and Family Welfare,
Fort St.George, Chennai.

2.The Director of Medical and Rural Health Services,
Directorate of Medical and Rural Health Services,
Teynampet,
Chennai-06.

3.The Joint Director of Medical and Rural Health Services,
O/o. The Joint Director of Medical and Rural Health Services,
Pudukottai,
Pudukottai District.

.. Respondents

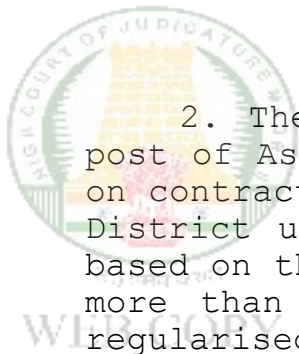
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to regularise the petitioner's service from the date of joining as Assistant Dental Surgeon on 18.11.2009 and to fix the time scale of pay from that period and disburse all other monetary benefits within the time stipulated by this Court.

For Petitioner
For Respondents

: Mr.T.Lajapathi Roy
: Mr.C.M.Marichelliah Prabhu,
Additional Government Pleader

O R D E R

This petition has been filed seeking to direct the respondents to regularise the petitioner's service from the date of joining as Assistant Dental Surgeon on 18.11.2009 and to fix the time scale of pay from that period and disburse all other monetary benefits within the time stipulated by this Court.



2. The case of the petitioner is that he was selected to the post of Assistant Dental Surgeon and he was appointed on 18.11.2009 on contract basis to the Government Hospital, Annavasal, Pudhukottai District under Scheduled Caste Category and the priority was given based on the physically handicapped category. Even after completing more than 11 years of service, the petitioner's service was not regularised. Hence, the petitioner sent a representation to the respondents 1 to 3 to bring in his services under Time Scale of Pay on 21.04.2017. But, so far the said representation was not considered. Hence, this writ petition.

3. Learned counsel for the petitioner would submit that it would suffice, if the representation of the petitioner dated 21.04.2017 is disposed of by the respondents at the earliest.

4. Learned Additional Government Pleader appearing for the respondents has no serious objection to consider the petitioner's representation, in accordance with law.

5. In view of the limited scope of the prayer sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the respondents to consider the representation dated 21.04.2017 submitted by the petitioner and to pass appropriate orders thereon on merits and in accordance with law within a period of twelve(12) weeks from the date of receipt of a copy of this order, if there is no legal impediments to do so.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (T & P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Principal Secretary,
State of Tamilnadu,
Department of Health and Family Welfare,
Fort St.George, Chennai.

2.The Director of Medical and Rural Health Services,
Directorate of Medical and Rural Health Services,
Teynampet,
Chennai-06.

3.The Joint Director of Medical and Rural Health Services,
O/o. The Joint Director of Medical and Rural Health Services,
Pudukottai,
Pudukottai District.

+1 CC to M/s.SPL GP (SR-9520[F] dated 08/03/2021)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-9645[F] dated 09/03/2021)

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MA(21.04.2021) 3P 6C