



W.M.P.No.33498 of 2022
in
W.P.No.27048 of 2004

J. NISHA BANU, J.

This petition has been filed to reopen the writ petition in W.P.No.27048 of 2004 dated 25.10.2019.

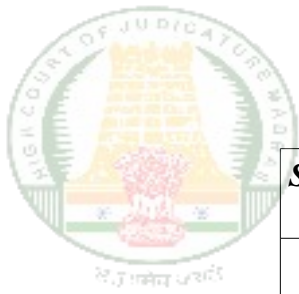
2. The petitioner, who was working as Vaccinator in the Primary Health Centre, Salem, was removed from service on 24.07.1978. He preferred an appeal before the District Health Officer, Salem, which was also rejected. Against the said order, he preferred W.P.No.4633 of 1988 before this Court which was transferred to the Tamil Nadu Administrative Tribunal and was taken up as T.A.No.59/1997 and by order dated 27.11.2001, the Tribunal allowed the application by setting aside the order of removal and remitted back the matter to the District Health Officer, Salem to decide the matter after holding proper enquiry. Pursuant to the said order, he was reinstated in service and appointed as Health Inspector, Grade II. Subsequently, the Deputy Director of Health Service, Salem, 2nd respondent herein issued charge memo dated 20.02.2002 framing charges and once again, the petitioner was removed from service. The petitioner preferred O.A.No.1467/2003 against the said order of removal from service and the Tribunal, by order dated 21.10.2003, set aside the order of removal and directed the respondents to reinstate the petitioner. Insofar as the punishment for the proved charge, the Tribunal directed that the petitioner have to be denied half the backwages for the period of unemployment. However, the petitioner has filed W.P.No.27048 of 2004 seeking a direction to the respondents to implement the order made in O.A.No.1467/2003



dated 21.10.2003 and to reinstate the petitioner in service and to allow the petitioner to retire on 30.09.2004 i.e., the date of retirement of the petitioner on attaining the age of superannuation with all terminal, pensionary and consequential benefits. This Court, by order dated 25.10.2019, dismissed the writ petition as infructuous as it was reported before this Court by the learned counsel on either side that the order has been complied with. Now, this petition has been filed to reopen the writ petition stating that the writ petition was taken up after 15 years from the date of filing of the W.P. and the learned counsel for the petitioner was unable to contact the petitioner and that believing the statement of the learned Government Advocate, the learned Junior Counsel appearing for the petitioner has made a statement that the matter has become infructuous. However, the writ petition has not become infructuous and the relief has not been granted in full by the respondents.

3. It is seen that some of the charges were proved and the petitioner was removed from service and subsequently, showing indulgence, the petitioner was reinstated in service with half backwages. Learned Government Advocate appearing for the respondents produced a letter of the 1st respondent dated 16.12.2022 stating that vide letter in R.No.138/E3/2002 dated 27.05.2019, the retirement benefits were settled to the petitioner as furnished in the tabular column hereunder.

<i>Sl.No.</i>	<i>Nature of claim</i>	<i>Amount</i>	<i>Date of disbursement</i>	<i>Sub Treasury</i>
1.	Half the back wage			
	29.07.1978 to	245390	25.01.2006	Sub Treasury,



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Sl.No.	Nature of claim	Amount	Date of disbursement	Sub Treasury
	22.03.2002 and 29.03.2003 to 31.12.2003			Omalur
	01.1.2004 to 30.09.2004	24194	02.02.2006	Sub Treasury, Omalur
2.	Pay Commission Arrear Amount (Half the backwages) 01.01.1996 to 31.03.1998	49000	02.04.2006	Sub Treasury, Omalur
3.	Increment, selection Grade and Special grade Arrear 01.01.1975 to 30.09.2004	229597	26.11.2007	Sub Treasury Omalur
4.	Commutation of Pension	56425	02.05.2008	Paid through Sub Treasury sankari, Salem District
5.	Pension	Rs.993/- p.m.	02.05.2008	Paid through Sub Treasury sankari, Salem District
6.	Death cum Retirement Gratuity	75760	05.05.2008	Sub Treasury, Omalur
7.	Earned leave and unearned leave on private affairs	54395	27.05.2019	Sub Treasury, Omalur

4. In view of the above discussions, this Court is of the view that nothing survives for adjudication before this Court and this Court is not inclined to reopen the writ petition. Hence, this petition is dismissed.

20.12.2022

vsi



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vsi

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