



WEB COPY



W.A.No.2672 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.A.No. 2672 of 2022

Dr.Shanmugaraman

.. Appellant

-VS-

1. Government of Tamil Nadu
rep. by its Secretary to Government
Health & Family Welfare Department
Fort St. George, Chennai.

2. The District Medical &
Rural Health Services
Anna Salai, Teynampet,
Chennai-600 006.

.... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letter Patent Act, to set aside the dismissal Order dated 06.09.2019 passed in W.P.No.561 of 2019 and allow the above Writ Appeal.

For Appellant : Mr.S.Shrenik Raj
For Respondents : Mr.S.Yashwanth
Additional Government Pleader



W.A.No.26 of 2019

J U D G M E N T

This Writ Appeal has been directed against the order of the learned Single Judge dated 06.09.2019 passed in W.P.No.561 of 2019, in dismissing the Writ Petition.

2. The case of the Appellant in nutshell is as follows:

(i) The Appellant was recruited as Assistant Surgeon in the year 1993 and that in the year 1996, the Appellant said to have canvassed for a candidate in the general elections held during 1996 for which a complaint was received against him. Thereafter, a preliminary enquiry was conducted by the Deputy Director of Medical and Rural Health Service, Chennai- 6 and thereafter based on the outcome of said enquiry, a Charge Memo was issued to the Appellant and thereafter the Appellant was removed from service.

(ii) Questioning the removal from service, the Appellant preferred Original Application before the Tamil Nadu Administrative Tribunal, Chennai, in which interim stay was granted against the order of removal from service. Thereafter, the Appellant joined duty on 26.07.2000 F.N. in Coimbatore Medical College, Hospital, Coimbatore. On abolition of Tamil Nadu Administrative Tribunal, Original Application has been transferred to this Court and renumbered as W.P.No.41625 of 2006 and the same was



W.A.No.26 of 2019

dismissed as withdrawn. Since the interim order of the Tribunal got merged with the order in the said Writ Petition, the Government passed G.O.(D) No. 291, Health and Family Welfare (K2) Department dated 29.03.2000 imposing punishment of removal from service. Thereafter the Appellant filed a Writ Petition in W.P.No.561 of 2019, seeking for a direction to the respondents herein to disburse the Appellant's service benefits and other benefits due to him as per his representation. The said Writ Petition was dismissed on 06.09.2019, as against which, the present Writ Appeal came to be filed.

3. The learned counsel appearing for the Appellant submitted that even though the Appellant was dismissed from service in the year 2000, pursuant to the interim order of the Tribunal he joined duty and continued to work and thereby he is entitled to terminal till the withdrawal of this Writ Petition.

4. We are not inclined to accept the said contention for the reason that once the final orders are passed, interim order got merged with the final order and therefore the question of granting terminal benefits does not arise. That apart, Rule 21 of the Tamil Nadu Pension Rules, 1978, clearly stipulates dismissal or removal of a Government servant from a service or post entails forfeiture of his past service and therefore as per



W.A.No.26 of 2022

the said Rule, the Appellant is not entitled to any relief. The learned Single Judge rightly rejected the request of the Appellant and therefore we are not inclined to interfere with the same.

In the result, this Writ Appeal stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

[S.V.N., J.] [M.S.Q., J.]
09.12.2022

Index: Yes / No
Internet: Yes / No
arr



W.A.No.26 of 2022

To

WEB.COM

1. The Secretary to Government
Health & Family Welfare Department
Fort St. George, Chennai.
2. The District Medical &
Rural Health Services
Anna Salai, Teynampet,
Chennai-600 006.

S. VAIDYANATHAN, J.



WEB COPY



W.A.No.2672 of 2022

and
MOHAMMED SHAFFIQ, J.

arr

2022

W.A.No. 2672 of

09.12.2022

6/6