



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD)No.23199 of 2021

S.Govindaraj

... Petitioner

versus

1.The Principal Secretary to Government,
Health and Family Welfare Department,
Fort St.George,
Chennai.

2.The Additional Chief Secretary/
Commissioner of Indian Medicine and Homeopathy,
Chennai - 600 106.

3.The District Siddha Medical Officer,
Pudukottai District,
Pudukottai.

... Respondents

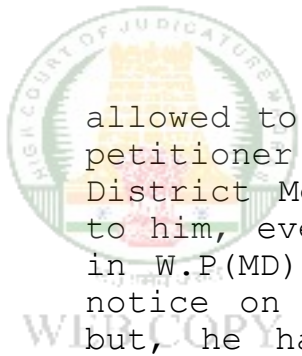
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents to pay all eligible monetary benefits payable to the petitioner by taking into consideration of his notional promotion given to him and to disburse all the eligible monetary benefits including pensionary benefits with effect from 31.05.2017 by considering his representation dated 15.06.2021 in the light of G.O.Ms.195 Health and Family Welfare (IM1-1) Department dated 30.06.2014.

For Petitioner : Mr.P.Balasubramanian
For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

O R D E R

This Writ petition is filed for a Mandamus, directing the respondents to pay the eligible monetary benefits payable to the petitioner by considering his representation dated 15.06.2021, in the light of G.O.Ms.195, Health and Family Welfare (IM1-1) Department dated 30.06.2014.

2.The case of the petitioner is that he was appointed as Assistant Medical Officer (Siddha) temporarily on contract basis, at the Government Primary Health Centre, Kulamangalam, in the year 1986. Thereafter, his services was regularised w.e.f 1988 and he was



allowed to retire from service on 31.05.2017. The grievance of the petitioner is that though he is fully qualified to be promoted as District Medical Officer, the respondents have not given promotion to him, even after he obtained a positive direction from this Court in W.P(MD) No.8909 of 2018. Hence, the petitioner issued contempt notice on 23.04.2019. Thereafter, his seniority has been refixed, but, he has not been disbursed with any monetary benefits, in accordance with re-fixation of his seniority.

3.The learned counsel appearing for the petitioner submits that similarly placed person, one Dr.S.Subbiah has approached the Principal Seat of this Court in W.P.No.110234 of 2009 after his retirement, and this Court passed an order to take a decision considering his representation and the same was accepted by the Government and the said Dr.S.Subbiah was provided with notional promotion, vide G.O.Ms.No.195, Health and Family Welfare Department, dated 30.06.2014. He further submits that the petitioner is also entitled for the same relief and he has also made a representation on 15.06.2021. But, the same was not considered so far. Hence, the petitioner is before this Court with the present writ petition.

4.Mr.G.V.Vairam Santhosh, learned Additional Government Pleader who takes notice for the respondents submits that the representation of the petitioner, dated 15.06.2021 is under consideration and it would be disposed of within a reasonable time.

5.Considering the said submission made by the learned Additional Government Pleader, without expressing anything on the claim made by the petitioner, this writ petition is disposed of, with a direction to the second respondent to take a decision on the representation of the petitioner, dated 15.06.2021 and pass orders, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vrn

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 to Government,
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Pudukottai.

+1 CC to M/s.P.BALASURAMANIAM, Advocate (SR-373[F] dated 05/01/2022)
+1 CC to M/s.SPL.GP (SR-160[F] dated 04/01/2022)

Order made in
W.P (MD) No.23199 of 2021
03.01.2022

ims (CO)
TR(17.03.2022) 3P 6C