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W.P.No.21681 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.21681 of 2012

D.Arumugam

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Petitioner

Vs

1. The Government of Tamil Nadu
represented by the Secretary to the Government,
Health and Family Welfare Department,
Fort St.George, Chennai – 600 009.

2. The Director of Medical and Rural Health Services,
Chennai – 600 006.

3. The Medical Superintendent,
Government Medical College,
Vellore – 632 011.

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Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents to regularize the petitioner's services in the post of X-Ray Attendant with effect from the date of his initial appointment, namely, 16.05.1997 and grant all consequential benefits.

For Petitioner

: Mr.P.Mohanraj

For Respondents

: Mr.T.M.Rajangam
Government Advocate



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ORDER

This Writ Petition has been filed for direction directing the respondents to regularise the petitioner's service in the post of X-Ray Attendant with effect from the date of his initial appointment, i.e. 16.05.1997.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

3. Pending writ petition, the petitioner died. Though the legal representatives did not take any steps to substitute themselves in the place of the deceased petitioner. Considering the prayer sought for in this writ petition and also the written instructions received from the respondents, this Court is inclined to issue direction to the respondents.

4. The deceased petitioner was appointed as X-Ray Attendant in the Government TB Sanatorium, Pennathur, Vellore District under Rule 10(a)(i) of the Tamil Nadu State and Subordinate Services



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Rules by the Joint Director of Health Services, Vellore, by an order dated 13.05.1997. He had joined duty on 16.05.1997. The service of the petitioner was not regularised. Therefore, he made a representation to regularise his service.

5. The respondents submitted before this Court by written instruction, the service record of the deceased petitioner was not opened and as such seeks time to prepare the service records of the deceased petitioner.

6. On perusal of the communication from the Dean of the third respondent dated 21.08.2023, so far the service particulars of the petitioner has not received. If the service particulars received from the said office, it would be considered within the stipulated time for all monetary benefits to the legal representatives of the deceased petitioner.

7. Considering the above, the second and third respondents are directed to regularise the service of the deceased petitioner from the date of his initial appointment i.e., 16.05.1997 and disburse all monetary



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benefits to the legal representatives of the deceased petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition stands allowed. There shall be no order as to costs.

04.09.2023.

Internet : Yes
Index : Yes/No
Lpp

To

1. The Secretary to the Government,
Health and Family Welfare Department,
Fort St.George, Chennai – 600 009.

2. The Director of Medical and Rural Health Services,
Chennai – 600 006.

3. The Medical Superintendent,
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G.K.ILANTHIRAIYAN, J.

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