



Writ Petition No.8495 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2023

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THE HONOURABLE DR.JUSTICE D.NAGARJUN

Writ Petition No.8495 of 2015

K.Murugaiyan

..Petitioner

vs.

1.The State of Tamilnadu,
rep. by its Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai-9

2.The Director of Family Welfare,
No.359, Anna Salai,
Teynampet, Chennai-6

3.The Deputy Director of Medical and Rural Health
Service,
District Family Welfare Bureau,
Nagapattinam District.

4.The Block Medical Officer,
Government Primary Health Centre,
Thirumurugal, Nagapattinam District.

5.The Accountant General,
(Accounts & Entitlement),
Teynampet, Chennai-18

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents herein to regularise the period from 09.02.1988 till 07.11.2002 as duty period with half of the back wages and to treat the period from 08.11.2002 till 31.07.2011 as compulsory wait and as duty period for all purposes and to promote the petitioner as Superintendent with effect from the date of promotion of the petitioner's immediate Junior and to consequently refix and revise the petitioner pay with effect from 09.02.1988 till date of the petitioner's retirement on 30.06.2014 and to consequently grant the retirement and Pensionary benefits with 12% interest on the delayed payment compounded annually.

For Petitioner : Mr.Kabilan for Mr.M.Ravi

For Respondents : Ms.C.Sangamithirai, Spl.GP for R1 to 4
Mr.J.Sreevidya for AGSC for R5

ORDER

This Writ Petition has been filed seeking for issuance of a Mandamus, to direct the respondents herein to regularize the period from 09.02.1988 till 07.11.2002 with half of the back wages by treating the said period as compulsory wait for all purposes and to promote the petitioner as Superintendent with effect from the date of promotion of the petitioner's immediate Junior and to consequently refix and revise the petitioner pay



with effect from 09.02.1988 till date of the petitioner's retirement on 30.06.2014 and to consequently grant the retirement and Pensionary benefits with 12% interest on the delayed payment compounded annually.

2. Heard the learned counsel for the petitioner and the learned Spl.Government Pleader for the respondents 1 to 4 and the learned counsel for 5th respondent.

3. When the matter is taken up for hearing, the learned Special Government Pleader representing the respondents 1 to 4 has filed a report in the name of Brief History of the case, wherein, in paragraphs 1 to 4, it is mentioned as under:

"The Government in their letter no.59536/D2/O2, Health and Family Welfare Department dated 05.05.2003, had requested the Government Pleader, High Court, Chennai to offer his legal opinion in this judgment at an early date. But the government Pleader had delayed in giving his opinion in this regard for the next five years. Finally, the Government Pleader has opinioned orally that not to refer such cases for opinion in future and this fact was also immediately informed to the



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Government. Finally, in letter Ref. No.59536/K1/02-4, Health and Family Welfare Department, dated 22.06.2009 had requested this office whether Thiru.K.Murugaiyan has to be reinstated in service as per the orders of TAT in OA.No.933/91.

The Deputy Director of Family Welfare, Nagapattinam District has been requested to reinstate the individual as per the orders of Tribunal, there was a slight delay in posting since the connected records were obtained due to delay in bifurcation of Nagapattinam from the Thanjavur District. Then reinstatement orders were issued vide this office proceedings ref no.24980/FW/OP3/2002, dated 14.07.2011. Consequently, Thiru K.Murugaiyan was posted to GPHC, Thirumarugal, Nagapattinam District and he joined duty on 01.08.2011 and this fact was immediately intimated to the Government.

After his joining his services for the post 22 years were duly regularized by G.O.No.(2D) No.68, Health and Family Welfare Department dated 04.05.2017 in which 22 years of service including his period of suspension, revoking etc were duly regularised and they have also been carried over to his service and his service register accordingly. Also, as per Government Order (D) No.741, Health and Family Welfare Department, dated 02.05.2018, the individual's probation was declared to have been



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completed successfully on the AN of 29.06.2014.

The individual, on superannuation, retired from his service on 30.06.2014, AN and now, as per the letter Ref No.PO3/10827275/207/2023 dated 24.07.2023 of the Accountant General(Tamil Nadu) of the Chennai, his Pension application has been approved."

4.On considering the above status report of the Government, it is clear that the Government has regularised the service period of the petitioner from 1986 onwards. Though, the petitioner requested regularisation of his service from 1988, the Government has considered and treated the period from 09.02.1988 till 07.11.2002 as duty period with half of the back wages and also treated the period from 08.11.2002 till 31.07.2011 as compulsory wait and the petitioner was given all the consequential reliefs.

5. The above submission of the learned Special Government Pleader is recorded.

6. Considering the report of the respondent, it is clear that the relief



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sought for by the petitioner has already been considered subsequent to the filing of the Writ Petition and that the petitioner also retired from service on 30.06.2014 and his Pension, was also approved by the Accountant General.

7. In view of the same, since the reliefs sought for by the petitioner in this Writ Petition, have already been granted, no further cause survives in this Writ Petition.

8. Accordingly, this Writ Petition is disposed of. No costs.

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Index : Yes/No
Speaking order: Yes/No
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Dr.D. NAGARJUN, J

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