



W.P.(MD) No.12792 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD) No.12792 of 2019

Dr.A.Rajarathinam

... Petitioner

-VS-

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

2.The Director of Medical Education
Egmore, Chennai-600 008

3.The Dean
Government Rajaji Hospital
Madurai-625 002

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to grant the petitioner all pensionary benefits for the continued service of the qualifying service of ten years as Civil Assistant Surgeon in the Medical Department and in the light of the clarification sought for by the third respondent vide her Letter Roc.No. 2636/Ne1/4/2019, dated 06.03.2019, within a time stipulated by this Court.



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W.P.(MD) No.12792 of 2019

For Petitioner : No appearance

For Respondents : Mr.M.Ramesh
Government Advocate

ORDER

The petitioner, a Doctor and Assistant Professor of Neurology in the Government Rajaji Hospital, Madurai, deserted his employment and was unauthorizedly absent from 11.12.2003. A charge memo was issued to the petitioner on 15.06.2005. The Inquiry Officer sent three summons to the delinquent officer in 2007 and 2009. Even thereafter, the petitioner did not appear for inquiry and therefore, the Inquiry Officer submitted an *ex parte* report. Considering the nature of the charges and the fact that upto the date of passing of the Government Order in G.O.(D) No.1241, dated 26.11.2012, the petitioner never reported for duty, he was dismissed from service. After all these, by making vague and casual averments in Paragraph No.2 that due to his ill health and his family circumstances, he could not continue to serve in the Department and for taking treatment, he was forced to be away continuously, the petitioner has filed this writ petition with a prayer to grant pensionary benefits for the the qualifying service period of ten years.



W.P.(MD) No.12792 of 2019

WEB COPY

2. Firstly, when the petitioner has been dismissed from service, there is no question of paying pensionary benefits to him. Secondly, without even explaining as to what he was doing and why he neither continued in service nor tendered resignation and if he is away, whether it was within the country or out of the country and whether he was in any other gainful employment or not, the petitioner has filed this writ petition in a casual manner. Therefore, this writ petition is dismissed with a cost of Rs.25,000/- (Rupees twenty five thousand only) payable by the petitioner to the respondents.

07.07.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

- 1.The Principal Secretary to Government,
Health and Family Welfare Department,
Fort St.George, Chennai-600 009.
- 2.The Director of Medical Education,
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Page 3 of 4



WEB COPY



W.P.(MD) No.12792 of 2019

D.BHARATHA CHAKRAVARTHY, J.

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W.P.(MD) No.12792 of 2019

07.07.2023

Page 4 of 4