



Review Application No.56 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2024

CORAM:

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN**

Review Application No.56 of 2015

against

W.A.No.225 of 2015

and

W.P.No.33498 of 2013

Dr.S.Raja Rajan

...Petitioner

Vs.

1. Secretary To Government,
Health And Family Welfare Department,
Government Of Tamilnadu,
Fort St George, Chennai-600 009.

2. Director Of Medical And Rural Health Services,
Teynampet, Chennai-600 006.

3. Director Of Medical And Rural Health Services (ESIS),
Teynampet, Chennai-600 006.

... Respondents

PRAYER : Review Application filed under Order 47 Rule 1 read with
Section 114 of C.P.C. praying to review and modify the orders passed by



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this Hon'ble Court on 12.02.2015, to dismiss W.A.No.225 of 2015 and to direct the respondents to permit the Applicant to joint duty as RAMO, Coimbatore, forthwith, to pay the salary arrears of the Applicants.

For Petitioner : Mr.K.Ramanraj

For Respondents : Mr.J.Chezhiyan,
Additional Government Pleader.

ORDER

(Judgement of the Court was delivered by S.M.Subramaniam J.)

The review application has been instituted to review the order dated 12.02.2015 in W.A.No.225 of 2015.

2. The review petitioner was holding the post of Regional Administrative Medial Officer and he was transferred by the Government to the post of Chief Civil Surgeon (Orthopaedics Specialist), Government Headquarters Hospital, Tenkasi, Tirunelveli District. Instead of joining in



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the transferred post, the petitioner challenged the transfer order in the writ petition. The writ petition was allowed. Thereafter, the State preferred Writ Appeal No.225 of 2015, which was allowed by Division Bench by setting aside the writ order.

3. The learned counsel for the petitioner would submit that the interregnum period from 18.08.2014 to 10.03.2015 has been regulated as leave eligible and the said period is to be treated as duty with salary. Such a claim is untenable in view of the fact that the petitioner had not served as Chief Civil Surgeon (Orthopaedics Specialist), in Government Headquarters Hospital, Tenkasi, Tirunelveli District, during the relevant period and he was waiting for the outcome of the litigation instituted by him. Since the interregnum period has already been regulated as leave period, the period has been taken into consideration as qualifying services under the Pension Rules.



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4. A Government employee is expected to the perform his duties diligently and even in case the order of transfers are challenged, the employee has to join in the transferred place and agitate the matter before the Court of law. Unauthorised absence from duty at no circumstances be condoned since the duties of the public services are onerous and the Government is paying very decent salary to these medical officers.

5. However, we do not find any reason to interfere with the writ appeal order since the petitioner could not able to make out any error apparent on the face of the record. Thus, the review application is dismissed. However, there shall be no order as to costs.

(S.M.S.J.,)

(C.K.J.,)

10.07.2024

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)



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To

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and

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