



W.P.(MD).No.19829 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.19829 of 2023

and

W.M.P(MD).No.16352 of 2023

Dr.Mahalingam

... Petitioner

VS

1.The Director,
Medical and Rural Health Services,
Chennai-6.

2.The Joint Director of Health Services,
Thanjavur District at Kumbakonam.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the order of the 2nd respondent passed in his proceedings Na.Ka.No. 7042/Ni 1/2021 dated 02.02.2022 and quash the same and consequently directing the respondents to sanction increments to the petitioner for the period commencing from 01.01.2021 and make payment within the stipulated time as fixed by this Hon'ble Court.



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For Petitioner : Mr.C.Suresh Kannan
For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

The instant writ petition has been filed by a Assistant Medical Officer working in the 2nd respondent office challenging the impugned order dated 02.02.2022, wherein, his request for disbursement of annual increment has been rejected.

2. The petitioner herein was implicated in a criminal case in the year 2010, and he was suspended on 06.04.2010. The suspension order was revoked by the authorities on 20.02.2020, and the petitioner had rejoined duty on 21.02.2020. After joining duty, the petitioner has given a representation on 10.11.2021 seeking disbursement of annual increments. The said request has been returned under the impugned order on the ground that since criminal case is pending as against the writ petitioner, annual increments cannot be



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disbursed. The said order is under challenge in the present writ petition.

3. The learned Government Pleader appearing for the respondents herein had contended that the period of suspension between 2010-2020 is yet to be regularized, and the regularization of that period would be considered only after the disposal of the criminal case. Without regularizing the said period, annual increments cannot be granted for that period. However, he has received written instructions from the 2nd respondent herein on 18.10.2024 to the effect that his annual increments could be disbursed from the date on which he rejoined duty after revocation of suspension.

4. In view of the above said facts, the order impugned in this writ petition is set aside and the 2nd respondent herein is directed to disburse the annual increments from 21.02.2020 onwards.



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5. With the above said observation, this Writ petition stands allowed.

Consequently, connected miscellaneous petition is closed. No costs.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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