



WEB COPY

W.P.No.25411 of 2014



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.25411 of 2014
and M.P.No.1 of 2014

Dr.K.Maheshwar,
HOD (Institute of Neurology (Retd.)),
No.18/9, New 2nd Street,
Nandanam Extension,
Chennai - 600 035.

...

Petitioner

versus

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Health & Family Welfare (E1) Department,
Fort St.George, Chennai - 600 009.

2.The Director of Medical Education,
Kilpauk, Chennai - 600 010.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to redesignate the petitioner status as Director of Institute of Neurology with effect from 30.07.2014 in terms of G.O.(Ms.)No.220 Health and Family Welfare (E1) Department dated 30.07.2014 and correspondingly refix his status notionally, scale of pay and retirement benefits with all attendant benefits.

For Petitioner : Mr.G.Ethirajulu

For Respondents : Mr.K.Tippu Sultan
Government Advocate



ORDER

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This Writ Petition is filed for a mandamus directing the respondents to redesignate the petitioner's status as Director of Institute of Neurology w.e.f. 30.07.2014 in terms of G.O.(Ms.)No.220 Health and Family Welfare (E1) Department dated 30.07.2014 and correspondingly refix his status notionally and pay the consequential benefits.

2. The petitioner, who was working as a Professor in Neuro Surgery, had taken several efforts for the upgradation of the Department of Neurology at Madras Medical College and Rajiv Gandhi Government General Hospital as “Institute of Neurology” and consequently upgrade one post of Professor in the Department of Neurology to that of Director of Neurology.

3. In view of his sustained efforts, the proposal was put up by the Director of Medical Education the second respondent herein and the Government issued G.O.(Ms.)No.220 Health and Family Welfare (E1) Department dated 30.07.2014, accepting the proposal and Department of Neurology at Madras Medical College / Rajiv Gandhi Government General

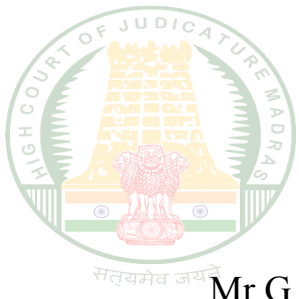


Hospital has been upgraded as “Institute of Neurology” and one post of Professor has also been upgraded to that of Director of Neurology.

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4. In view of the Government Order issued, the same day the Dean of Madras Medical College, by proceedings dated 30.07.2014 recommended to the second respondent that the petitioner, who was the senior most Professor in the Department (both Neurology and Neuro Surgery), may be appointed in the upgraded post as “Director, Institute of Neurology”.

5. Unfortunately, the petitioner had attained the age of superannuation on the very next day and by order dated 31.07.2014, the petitioner had been permitted to retire and he had been relieved from his duties on the same day. Only under such circumstances, the petitioner had come up with the present writ petition seeking notional promotion and settle the benefits in the cadre of Director of Institute of Neurology w.e.f. 31.07.2014.



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6. Today, when the writ petition is taken up for hearing, Mr.G.Ethirajulu, learned counsel appearing for the petitioner submitted that, the petitioner had died and the legal heirs, particularly the wife, is not interested to substitute herself as petitioner in the place of her husband and she is contented with the benefits that had already been granted and she did not wish to pursue further at this stage.

7. Recording the submissions made by the learned counsel appearing for the petitioner, no further adjudication is required in this writ petition.

8. Accordingly, this Writ Petition stands ***closed***. Consequently, connected Miscellaneous Petition is closed.

9. There shall be no order as to costs.

28.01.2025

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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- 1.The Secretary,
Government of Tamil Nadu,
Health & Family Welfare (E1) Department,
Fort St.George, Chennai - 600 009.
- 2.The Director of Medical Education,
Kilpauk, Chennai - 600 010.



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G.ARUL MURUGAN, J.

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