

W.P. No.33678 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 04.09.2025

CORAM:

THE HON'BLE MR. JUSTICE A.D. JAGADISH CHANDIRA

W.P. No.33678 of 2025

S. Sampathkumar

.... Petitioner

VS.

1. The Secretary,
Government of Tamil Nadu
Health & Family Welfare Department,
Secretariat,
Fort St. George,
Chepauk,
Chennai – 600 009.

2. The Director,
Directorate of Medical foundation,
Kilpauk,
Chennai – 600 010.

3. The Superintendent,
Government RSRM Hospital
Royapuram,
Chennai – 600 013.

4. The Principal Accountant General (A & E),
No.361, Anna Salai,
Teynampet,
Chennai – 600 018.

5. The Pay & Accounts Officer – North,
No.32, Singaravellar Maligai,
Collectorate Complex,
Rajaji Salai,
Parrys, Chennai – 600 001.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the 1st respondent to regularize the petitioner's service from 01.04.1992 as Office Assistant, in the 3rd respondent hospital and consequentially direct the respondents to extend the pensionary benefits under the Tamil Nadu General Provident Fund Scheme, from the date of regularization of the petitioner's service i.e., from 01.04.1992 to 31.12.2016, considering the petitioner's appeal dated 15.02.2023, pending on the file of the 1st respondent, after affording an opportunity of hearing to the petitioner, within a time frame.

For Petitioner : Mr.R. Gopinath

For Respondents : Mr.M. Bindran,

Addl. Government Pleader for R1 to R3

Mr.A.N.R. Jayaprathap

Standing Counsel for R4

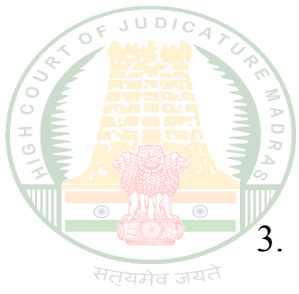
Mr.K. Surendran,

Addl. Govt. Pleader for R5.

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2. Mr.M. Bindran, learned Additional Government Pleader accepts notice for the respondents 1 to 3; Mr.A.N.R. Jayaprathap, learned Standing Counsel accepts notice for the 4th respondent and Mr.K. Surendran, learned Additional Government Pleader takes notice for the 5th respondent.



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3. It is stated that the petitioner joined as Substitute Worker in the 3rd respondent Hospital on 09.01.1988 and subsequently, he was appointed as Office Assistant on 01.04.1992 on permanent basis. Later, he was transferred and posted as Ambulance Assistant in the 3rd respondent hospital and thereafter, he retired from service by superannuation on 31.12.2016. It is the grievance of the petitioner that the 1st respondent without regularising the services of the petitioner from 01.04.1992 had deliberately in order to deprive his pensionary benefits had regularised his services only from 22.12.2008, i.e., the date of publication of G.O. No.426. It is his case that the 1st respondent has extended the benefit of age relaxation and regularized the services of one S.Veeraraghavan, who was appointed on 04.01.1988, whereas the said benefits were not extended to him, even though the petitioner's initial appointment was on 09.01.1988. Subsequently, the said request was rejected by the 1st respondent, vide order, dated 08.11.2022. Aggrieved over the same, he preferred an appeal on 15.02.2023. Hence, he approached this Court by filing this writ petition.

4. Heard the learned counsel for the petitioner and perused the records placed before this Court.

5. Mr.M. Bindran, learned Additional Government Pleader appearing for



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the respondents 1 to 3 drew the attention of this Court to the letter of the 1st respondent, dated 08.11.2022, wherein valid reasons have been given by the respondents for rejecting the petitioner's request. He further submitted that without challenging the said order dated 08.11.2022, the petitioner has come before this Court seeking disposal of appeal, dated 15.02.2023. Also, he pointed out that pursuant to the petitioner's appeal, the 3rd respondent has sent a communication to the 2nd respondent on 01.09.2023 stating the reason of rejection and the said communication letter was also marked to the petitioner. On the aforesaid score, he prays for dismissal of this writ petition.

6. At this juncture, learned counsel for the petitioner seeks permission of this Court to withdraw the writ petition and prayed that liberty may be granted to the petitioner to challenge the order dated 08.11.2022, passed by the 1st respondent by filing a fresh writ petition. Also, he prays that the issue of limitation may be condoned by this Court.

7. Considering the submissions made by the learned counsel on either side, it is clear that the petitioner's claim for regularisation was already considered and rejected by the 1st respondent as early as on 08.11.2022.



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Without challenging the said order of the 1st respondent dated 08.11.2022, he knocked the doors of this Court by filing this writ petition. Since the petitioner's claim was already considered, no further orders are required in this writ petition and therefore, the writ petition stands dismissed. However, liberty is granted to the petitioner to challenge the order of the 1st respondent dated 08.11.2022, in the manner known to him under law and the delay, if any is condoned. No costs.

04.09.2025

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation : Yes/No

vsi2

To

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