

W.P.(MD) No.18272 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On : 08.08.2025

Pronounced On : 19.09.2025

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P. (MD) No.18272 of 2018

Dr. O. Chandran MBBS, MD(General Medicine)
Assistant Surgeon
Government District Head Quarters Hospital,
Usilampatti, Madurai District ... Petitioner

Vs.

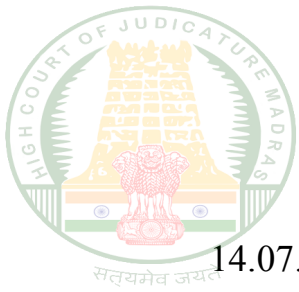
1.The Director of Medical and Rural Health Services
DMS Complex 3rd Floor, Anna Salai Teynampet
Chennai – 600006.

2. The Director of Public Health and Preventive Medicine
DMS Complex 3rd Floor,
Anna Salai Teynampet
Chennai- 600006.

3. The Joint Director of Health and Rural Services,
Madurai @ Usilampatti
Madurai District. ... Respondents

PRAYER:

To issue a Writ of Certiorarified Mandamus or any other appropriate Writ, Order or Direction in the nature of a Writ, calling for the records relating to the impugned order issued by the 2nd respondent herein in 2nd respondent herein in R.No.8736/E5/A2/2012 dated



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14.07.2018, quash the same, and further direct the respondents herein to regularize the service of the petitioner forthwith from 08.08.2008 onwards with all monetary benefits and other attendant benefits, and pass such further or other suitable Order / Orders as this Hon'ble Court may deem fit and proper in the circumstances of the case, thus render Justice.

APPEARANCE OF PARTIES:

For Petitioner : Mr.E.V.N.Siva

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

J U D G M E N T

Heard.

2. The Petitioner, a retired Assistant Surgeon, seeks regularization of his services shortly before his retirement. By now, he has already attained the age of superannuation and is no longer in service. In this writ petition, the Petitioner challenges the order passed by the 2nd Respondent on 14.07.2018. That order itself was issued pursuant to the direction of this Court in W.P.(MD) No. 9531 of 2018, dated 26.04.2018.

3. Consequent to the aforesaid direction, the 2nd Respondent issued the following order:-



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“Attention of the petitioner is invited to the reference first cited wherein the Hon’ble Madurai Bench of Madras High Court have directed “that the respondents one and two are directed to consider the request of the petitioner dated: 19.02.2018 as forwarded by the third respondent vide proceedings dated: 09.03.2018 regarding the plea of the petitioner for regularization of his services based on his completion of the Special Qualifying Examination 2009 conducted by Tamil Nadu Public Service Commission and pass Orders thereon on merits and in accordance with Law”

In this connection it is informed that it is not feasible to regularize the services until the Genuineness report / final orders of the case P.S.cr.No. 381/2007 pending against the individual is received.”

4. The Petitioner did not dispute the pendency of the criminal case.

In paragraph 8 of the affidavit, he has stated as follows:-

“8. I humbly submit that before entering into service, I was functioning as one among the 13 Managing Committee Members in a registered society namely Kallar Kalvi Kazhagam, Usilampatti bearing Registration No.138 of 1967 and in view of the rival claim in the society, false case was registered against the all the office bearers of the society based on the FIR No. 381/2007 dated 01.11.2007 and I am arrayed as 9th accused therein and the same is now pending as Criminal case in CC No.209/2011 on file of District Munsif cum Judicial Magistrate No.1, Usilampatti the and the above CC has been stayed by the Hon’ble Madurai Bench of Madras High Court at the instance of other accused and the said criminal case has no connection



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whatsoever with my service and therefore the 2nd respondent herein cannot cite the said criminal case which has no relevance regarding regularization of my service....”

5. It must be observed that merely obtaining a stay from this Court does not nullify the criminal case pending against the Petitioner. The Petitioner must either have the proceedings quashed or, if the trial results in conviction, establish his innocence in accordance with law. In the writ petition, notice was issued to the Respondents on 23.08.2018. Pursuant to the notice, the Respondents filed a counter affidavit dated 28.09.2018, wherein it was stated that the department had been regularly addressing communications to the Government Pleader, Madurai Bench of the Madras High Court, regarding the pendency of P.S. Crime No. 381/2007.

6. Even after a lapse of seven years, the Petitioner has not been able to state the outcome of the criminal case. However, he was permitted to retire by order dated 28.06.2024, solely on the ground that no disciplinary proceedings were pending against him and no recoverable dues remained. It was also expressly stipulated that his retirement would be subject to the result of the writ petition.



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7. In the above circumstances, no ground has been made out to interfere with the impugned order. It is clarified that upon conclusion of the criminal proceedings, the Petitioner is at liberty to approach the Government for a review of the order, and the authorities may, if warranted, pass appropriate orders afresh. With these observations, the writ petition is dismissed. No costs.

19.09.2025

Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation : Yes / No

LS/ay

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DR. A.D. MARIA CLETE, J.

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Pre-delivery Judgment made in
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