



**W.P.(MD) No.14845 of 2026**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 08.06.2026**

**CORAM:**

**THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**

**W.P.(MD) No.14845 of 2026**

Dr.S.Kumaresan

... Petitioner

-vs-

1.The Principal Accountant General (A & E)  
Office of the Principal Accountant General (A & E)  
361, Anna Salai, Chennai-600 018

2.The Secretary to Government  
Health and Family Welfare Department  
Secretariat, Fort St.George, Chennai

3.The Director of Medical and  
Rural Health Services  
Office of the Directorate of  
Medical and Rural Health Services  
Chennai-600 006

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus to consider the representation dated 01.07.2024 and consequently direct the respondents to give promotion, seniority and all other consequential attendant monetary benefits from the date of inception of army service i.e., from 09.11.1983 till petitioner's date of retirement in civil service



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**WEB COPY** i.e., 31.05.2013 by implementing G.O.(D) No.1490, Health and Family Welfare Department, dated 20.11.1997 and to pay arrears with effect from 31.05.2013.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondents : Mrs.K.Mahalakshmi  
Standing Counsel for R1  
Mrs.K.Porkodi  
Counsel for the Government for R2 & R3

### **ORDER**

Heard Mr.M.Thirunavukkarasu, learned counsel for the petitioner; Mrs.K.Mahalakshmi, learned Standing Counsel appearing for the first respondent and Mrs.K.Porkodi, learned counsel for the Government appearing for the respondents 2 & 3.

**2.** The petitioner herein, who is a Post Graduate Doctor, joined the Indian Army as Captain on 09.11.1983 and having served for five years as a Short Service Commission, was relieved from the said service as a Major on 06.01.1989. Thereafter, the petitioner was appointed as an Assistant Surgeon in the Tamil Nadu Medical and Rural Health Services Department on 26.06.1991 and retired from service on 31.05.2013 on attaining the age of superannuation.



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**3.** It was, at that stage, a dispute arose with regard to the counting of the military service rendered by the petitioner in the Indian Army for the purpose of fixation of his pension in the Medial and Rural Health Services. Hence, the petitioner approached this Court by filing a writ petition in W.P.(MD) No.15677 of 2016 seeking a direction to the respondents to count the military service rendered by him from 09.11.1983 to 06.01.1989 as a qualifying service period for the purpose of fixation of his pensionary benefits. As a matter of fact, the petitioner was extended the said benefit by the Government as early as in the year 1997 through G.O.(D) No.1490, Health and Family Welfare Department, dated 20.11.1997, in the light of the policy decision taken by the Government *vide* G.O.Ms.No.604, Public (Ex-Servicemen) Department, dated 07.04.1988 and G.O.Ms.No.1093, Finance (Pension) Department, dated 10.10.1990. As the said Government Order in G.O.(D) No.1490, Health and Family Welfare Department, dated 20.11.1997 was not given effect to, the writ petition filed by the petitioner in W.P.(MD) No. 15677 of 2016 was allowed by this Court by an order dated 02.03.2023. The said order was given effect to by the respondents and the benefit, to which the petitioner was entitled to, was extended to the petitioner in terms of the said order passed by this Court. The operative portion of the order dated



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02.03.2023 passed by this Court in W.P.(MD) No.15677 of 2016 reads as under:

*“7. Therefore, this court is passing the following order:*

- i. The 2<sup>nd</sup> and 3<sup>rd</sup> respondents are directed to condone the break in service for the period from 07.01.1989 to 25.06.1991.*
- ii. The petitioner is directed to deposit the entire gratuity which the petitioner had received from the military service to the 3<sup>rd</sup> respondent within a period of 4 weeks from the date of receipt of a copy of this order.*
- iii. Thereafter, 3<sup>rd</sup> respondent shall deposit the said amount to the first respondent.*
- iv. The 1<sup>st</sup> respondent shall rework the pensionary benefits and issue fresh pension order to the petitioner. The first respondent shall quantify and pay the pensionary benefits to the petitioner.*
- v. The entire exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order.”*

**4.** It was after availing the benefit of the said order, the petitioner started making a claim for counting his military service for other purposes,



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like, seniority, promotion, increments etc. As the said claim of the petitioner was not considered by the respondents, the petitioner has approached this Court by filing the present writ petition seeking a writ of mandamus to direct the respondents to consider his representation dated 01.07.2024 submitted by him to extend promotion, seniority and all other consequential attendant monetary benefits from the date he joined the army service till the date of his retirement from the army service on 31.05.2013.

**5.** This matter earlier came up for consideration on 04.06.2026. This Court, after hearing the learned counsel for the petitioner, has come to the *prima facie* conclusion that absolutely there is no merit in this writ petition as there is nothing on record to show that the petitioner is entitled for counting his military service as a qualifying service period for the purpose of seniority, promotion, increments etc., in the Tamil Nadu Medical and Rural Health Services Department. The services rendered by the petitioner in the Indian Army is totally under a different employer and in the absence of any concession of counting the said service as the service in the Tamil Nadu Medical and Rural Health Services Department, the same cannot be counted and there is no law that entitles the petitioner to count the said service. It is only because of the concession that was extended by the Government through



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G.O.Ms.No.604, Public (Ex-Servicemen) Department, dated 07.04.1988 and G.O.Ms.No.1093, Finance (Pension) Department, dated 10.10.1990, the petitioner was allowed to count the military service rendered by him for the purpose of fixation of pension and other terminal benefits *vide* G.O.(D) No. 1490, Health and Family Welfare Department, dated 20.11.1997. Admittedly, there is no order issued nor policy decision taken by the Government of Tamil Nadu to extend the benefit of counting the military service for the purpose of seniority, promotion, increments etc., in the Tamil Nadu Medical and Rural Health Services Department

6. Learned counsel for the petitioner also failed to bring any such policy decision or order entitling the petitioner to make any such claim to the notice of this Court. In the absence of any such order entitling the petitioner to make any such claim, the question of the respondents considering the claim that was made by the petitioner through the representation dated 01.07.2024 does not arise. In the absence of any such duty or obligation cast on the respondents to consider such a claim of the petitioner, this Court is not inclined to issue a writ of mandamus for consideration of such a baseless claim. Hence, this writ petition seeking the relief as stated above is liable to be dismissed.



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**7.** Be that as it may, if at all the petitioner is entitled for the claim as is being made in this writ petition, he ought to have made such a claim when he approached this Court for the first time in the year 2016 by filing a writ petition in W.P.(MD) No.15677 of 2016. Admittedly, the claim that is being made by the petitioner could have been made in the year 2016 itself. But, for the reasons best known, the petitioner has not chosen to make any such claim in the year 2016. All the grievances of the petitioner are required to be agitated at once and he cannot be permitted to agitate the same in installments from time to time. The petitioner has admittedly retired from service in the year 2013 and the claim as is made in the present writ petition has been made for the first time only in the year 2024 i.e., after a lapse of more than a decade and for this reason also, the claim of the petitioner cannot be entertained.

**8.** Accordingly, this writ petition is dismissed. No costs.

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NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No

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To:

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Health and Family Welfare Department,  
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- 2.The Director of Medical and  
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Office of the Directorate of  
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Chennai-600 006.



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**MUMMINENI SUDHEER KUMAR, J.**

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