



ABSTRACT

Writ Petition No.10234 /2009 filed by Dr.S Subbiah, Assistant Medical Officer (Siddha) (Retired), Government Primary Health Centre, R.Reddiapatti, Virudhunagar District – Promoted notionally as Medical Officer (Siddha) / District Siddha Medical Officer – Orders-Issued.

HEALTH AND FAMILY WELFARE (IM 1 - 1) DEPARTMENT

G.O (Ms) No.195

Dated: 30.06.2014
Thiruvalluvar Andu 2045
Aani-16

Read:

- (1) G.O (2D) No.142, Health and Family Welfare Department, dated 4.11.2008
- (2) G.O (Rt) No.2314, Health and Family Welfare (IM1-1) Department, dated 16.12.2008.
- (3) The Hon'ble High Court of Madras, Order dated 18.1.2013
- (4) Contempt Notice received from Government Advocate, High Court of Madras, Chennai, dated 16.4.2014.

ORDER:

In the G.O first read above, the Government have issued a regular panel for the post of Medical Officer / District Siddha Medical Officer for the year 2008-2009 including the name of Dr.S.Subbiah, Assistant Medical Officer (Siddha) now retired.

2. In the reference second read above, orders were issued for posting of the Medical Officers in the panel issued in the G.O. first read above without the name of Dr.S.Subbiah, since, he has retired from Government service on attaining the age of superannuation on 30.11.2008.

3. Aggrieved on this, Dr.S.Subbiah, Assistant Medical Officer (Siddha) (Retired) has filed a W.P.No.10234/2009 in the High Court of Madras with a prayer to promote him as Medical Officer (Siddha) / District Siddha Medical Officer for the year 2008-2009.

4. The Hon'ble High Court of Madras in its order fourth read above has directed to give notional promotion to the petitioner from 16.11.2008 onwards and to give consequential benefits and such exercise shall be done within a period of four weeks from the date of receipt of a copy of this order.

5. The Learned Advocate General of Tamil Nadu has opined that the direction of the Hon'ble High Court to grant notional promotion to Dr.S.Subbiah is in accordance with Law and Equity and the direction ought to be complied with.

6. Meanwhile, Dr.S.Subbiah has moved a Pre-contempt petition No.1115/2014 was filed for non-compliance of the Hon'ble High Court order dated 18.1.2013 and pending in the High Court of Madras.

7. The Government have examined the case in the light of the opinion of the Learned Advocate General and have decided to implement order of the Hon'ble High Court dated: 18.1.2013. Accordingly, the Government do and hereby order that Dr.S.Subbiah, formerly Assistant Medical Officer (Siddha) (Retired), be promoted as Medical Officer (Siddha) / District Siddha Medical Officer with effect from 16.11.2008 notionally to 30.11.2008 i.e date of his retirement on superannuation and to award consequential benefits.

8. The Commissioner of Indian Medicine and Homoeopathy is directed to take action accordingly.

(BY ORDER OF THE GOVERNOR)

J. RADHAKRISHNAN
SECRETARY TO GOVERNMENT

To

The Commissioner of Indian Medicine and Homoeopathy, Chennai-600106.

The Individual through the Commissioner of Indian Medicine and Homoeopathy,
Chennai-600106

The Accountant General, Chennai-600 018/35.

The Pay and Accounts Officer (South), Chennai-600 035.

The District Treasury Officer, Virudhunagar

Copy to:-

The Special Personal Assistant to Hon'ble Minister (Health), Chennai-600 009.

The Health and Family Welfare (Data Cell) Department, Chennai-600 009.

✓ Sf/Scs

/Forwarded By Order/

P. Manoj
SECTION OFFICER
30/6/14