

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.29337 of 2015

Dr.M.Vinnarasan

.. Petitioner

Vs

1.State of Tamil Nadu
rep. by the Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai - 9.

2.The Director of Medical and Rural
Health Services, DMS Complex,
Teynampet, Chennai - 6.

3.The Director of Medical Education,
Kilpauk, Chennai - 10.

4.Dr.G.Senthil,
Assistant Professor,
Department of Dermatology,
Thanjavur Medical College,
Thanjavur.

.. Respondents

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of mandamus directing the respondents to revise and refix the Civil Medical List Seniority in accordance with Rule 4(e) of Tamil Nadu State and Subordinate Service Rules by considering the objection submitted by the petitioner dated 19.10.2013 and 11.11.2013 and consequently place the petitioner over and above the 4th respondent in the CML List seniority with all consequential and other attendant benefits, within a time frame to be fixed by this Court.

For Petitioners

.. Mr.G.Sankaran

For Respondents

.. Mr.V.Subbiah,
Spl. Govt. Pleader

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner was selected and appointed as an Assistant Surgeon in Tamil Nadu Medical Services through the selection done by the Tamil Nadu Public Service Commission conducted for the year 2003-2004 and was issued with an appointment order dated 27.06.2006. The petitioner would further state that the fourth respondent was also selected in the same selection process and though he was issued with an order of appointment during June, 2006, he has not joined the post within the statutory limit of three months or six months under special circumstances provided under Rule 4 (e) of the General Rules of Tamil Nadu State and Subordinate Service Rules and he has joined the post only on 09.04.2007. However, in the seniority list/civil medical list prepared by the official respondents, the name of the fourth respondent finds place above the name of the petitioner and in this regard, the petitioner has submitted detailed representations dated 19.10.2013 and 11.11.2013 to place the fourth respondent in an appropriate position and it was also followed by another representation dated 23.03.2015 and since no orders have been passed, came forward to file this writ petition.

3.Heard the submissions of Mr.G.Sankaran, learned counsel appearing for the petitioner and Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of respondents.

4.Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances, directs the second respondent to consider and dispose of the petitioner's representation dated 23.03.2015 on merits and in accordance with law by taking into consideration the proceedings of the Dean incharge, Thanjavur Medical College, Thanjavur dated 03.04.2014 and also putting on notice the fourth respondent and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as the fourth respondent. The writ petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

mmi

To

1.The Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai - 9.

2.The Director of Medical and Rural
Health Services, DMS Complex,
Teynampet, Chennai - 6.

3.The Director of Medical Education,
Kilpauk, Chennai - 10.

1 cc to Government Pleader, Sr. 50928

W.P.No.29337 of 2015

MSM (CO)
kk 5/10



WEB COPY