

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.11760 of 2016
and
WMP.No.10163 of 2016

Dr.K.Sadasivam

..Petitioner

-vs-

1. The Secretary to Government
Health and Family Welfare Department
Secretariat, Fort St.George,
Chennai - 600 009.

2. Director of Public Health and
Preventive Medicine
Chennai - 6

..Respondents

Petition under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent to consider the name of the petitioner for promotion to the post of Additional Director of Public Health and Preventive Medicine by taking into account the representation of the petitioner dated 07.3.2016.

For Petitioner ::Mr.V.Manohar

For Respondents ::Mr.P.Chinnadurai,
Government Advocate

ORDER

The petitioner, Dr.K.Sadasivam, has filed this writ petition for issuance of a writ of mandamus directing the first respondent to consider his name for promotion to the post of Additional Director of Public Health and Preventive Medicine by taking into account the representation of the petitioner dated 07.3.2016.

2. Heard the learned counsel for the petitioner. Mr.P.Chinnadurai, learned Government Advocate takes notice on behalf of respondents.

3. The petitioner, who was appointed as Health Officer by way of Direct Recruitment in the year 1994, was promoted to

the post of Deputy Director in the year 2001. Again, in the year 2010, the petitioner was promoted as Joint Director of Public Health and Preventive Medicine. While so, in the year 2011, a charge memo dated 12.8.2011 was issued against the petitioner alleging some irregularities. Though the petitioner submitted his explanation, no action was taken by the respondents to complete the Disciplinary Proceedings. Hence, the petitioner approached this Court by way of writ petition in WP.No.13023 of 2015 and this Court, by order dated 29.4.2015, directed the respondents to pass final orders on the enquiry within a period of three months. Even thereafter, final order has not been passed by the respondents. Therefore, the petitioner filed a contempt petition No. 588 of 2016 to punish the respondents for the wilful disobedience of the order dated 29.4.2015 made in WP.No.13023 of 2015. When the Contempt Petition was listed on 29.02.2016, the first respondent requested the Court to grant 10 days time to comply with the order. Thereafter, the first respondent has passed an order dated 04.03.2016 in G.O(D) No.393 Health and Family Welfare (D1) Department dropping the charge memo in Memo R.No.78867/DA/2011/S(1) dated 12.8.2011. Therefore, according to the petitioner, he is entitled for promotion to the post of Additional Director with original seniority and all other attendant benefits. The petitioner has also made a representation dated 07.3.2016 to the respondents requesting to consider his name for promotion to the post of Additional Director with Original Seniority and all other attendant benefits. Since the same was not considered, the petitioner has come to this Court.

4. The only grievance of the petitioner is that since the Government has passed an order dated 04.3.2016 dropping all the charges pending against the petitioner, no prejudice would be caused, if a direction is given to the respondents to consider his representation dated 07.3.2016.

5. Considering the limited request sought for by the petitioner, this Court directs the respondents to consider and pass orders on the pending representation dated 07.03.2016 in the light of the G.O.(D) No.393 Health and Family Welfare (D1) Department dated 04.3.2016, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

1. The Secretary to Government
Health and Family Welfare Department
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Director of Public Health and
Preventive Medicine
Chennai - 6

2 ccs to Mr.V. Manohar, Advocate, Sr. 19968
1 cc to Government Pleader, Sr. 20091

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MG (CO)
kk 18/4



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