

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.27570 of 2016

1.S.Gurubharathi
2.K.Nandakumar
3.S.S.Mohamed Kamal
4.A.Amutha
5.N.C.Ravichandran

... Petitioners

Versus

1. Government of Tamil Nadu
Represented by its Secretary
Health and Family Welfare Department
Fort St. George
Chennai-600 009.

2. The Director of Drugs Control of
Tamil Nadu
No.359, Anna Salai
Chennai-600 006.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to accord approval for the proposal bearing Reference No.5259/E1/2016 dated 03.06.2016 submitted by the second respondent for promotion to the post of Senior Drugs Inspector for the panel year 2015-2016 and accordingly give promotion to the petitioners as Senior Drugs Inspectors before expiry of the validity of such panel drawn by the second respondent.

For petitioners : Mr. ARL. Sundaresan
Senior Counsel
for Mr.P.Ganesan

For Respondent : Mr.S.Gunasekaran
Additional Government Pleader

O R D E R

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed for issuance of a Writ of Mandamus, to direct the first respondent to accord approval for the proposal bearing Reference No.5259/E1/2016 dated 03.06.2016 submitted by the second respondent for promotion to the post of Senior Drugs Inspector for the panel year 2015-2016 and accordingly give promotion to the petitioners as Senior Drugs Inspectors before expiry of the validity of such panel drawn by the second respondent.

3. The learned Senior counsel for the petitioners would contend that all the petitioners are presently working as Drug Inspectors and they are entitled for further promotion to the post of Senior Drug Inspectors. According to the learned Senior counsel for the petitioners, earlier, a panel for promotion to the post of Senior Drugs Inspector was prepared for the panel year 2014-2015 but it was not given effect to within a period of one year and consequently the panel has lapsed. Thereafter, the Government by a letter dated 16.03.2016 sought for a fresh proposal along with proforma particulars from the second respondent for filling up the post of Senior Drugs Inspectors. Pursuant to such direction, the second respondent sent a letter dated 03.06.2016 furnishing the list of eligible persons for promotion to the post of Senior Drug Inspectors and also the vacancy position. In and by the letter dated 03.06.2016, the second respondent requested the Government to approve the estimated vacancy for the year 2015-2016. According to the learned Senior counsel for the petitioners, the petitioners names were included in the panel and if it is not given effect to before it is lapsed on 31.08.2016, their service right to get promoted to the post of Senior Drugs Inspector will be adversely affected. It is further submitted by the learned Senior counsel for the petitioners that if the panel is not given effect to on or before 31.08.2016, the petitioners', who are eligible to get promotion in the present panel year will be deprived and in such event, those who become eligible on and from 01.09.2016 are likely to be considered for further promotion. Therefore, the learned Senior counsel for the petitioners only prayed this Court to issue appropriate direction to the respondents to give effect to the panel drawn for the panel year 2015-2016 on or before 31.08.2016.

4. The learned Additional Government Pleader appearing for the respondents would contend that the matter pertains to intra-departmental promotion and appropriate orders would be passed by the respondents on the basis of the panel prepared by the second respondent for the year 2014-2015.

5. I heard the learned Senior counsel for the petitioners as well as the learned Additional Government Pleader for the respondents. The grievance of the petitioners is that a panel was drawn for promotion to the post of Senior Drugs Inspectors for the panel year 2015-2016 in which their names have been included. However, the panel has not been given effect to till date and it is likely to be lapsed on 31.08.2016. The apprehension of the petitioners appear to be that earlier, for the year 2014-2015, a similar panel was drawn in which also the names of the petitioners were included, but it was not given effect to and the panel itself lapsed its validity. As far as the present panel drawn for the year 2015-2016 is concerned, the panel has to be given effect to on or before 31.08.2016 otherwise it will be lapsed and therefore, the petitioners only seek for appropriate direction to the respondents to give effect to the panel drawn for the year 2015-2016 before it is lapsed.

6. Having regard to the above facts and circumstances of the case, especially when the petitioners are only seeking for issuing a Mandamus to the first respondent to accord approval for the proposal dated 03.06.2016 submitted by the second respondent for promotion to the post of Senior Drugs Inspector for the panel year 2015-2016 and the fact that the validity of the panel will be lapsed on 31.08.2016, this Court is inclined to issue a direction to the first respondent to consider to give effect to the panel drawn for promotion to the post of Senior Drugs Inspectors for the year 2015-2016 on or before 31.08.2016 in accordance with law.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected WMP No. 23312 of 2016 is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government of Tamil Nadu
Health and Family Welfare Department
Fort St. George
Chennai-600 009.

2. The Director of Drugs Control of
Tamil Nadu
No.359, Anna Salai
Chennai-600 006.

+2cc to M/S.P.Ganesan, Advocate Sr.44838
+1cc to Government Pleader Sr.45230

WP No. 27570 of 2016

MP 1[co]
srg 17/08/2016



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