

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.27597 of 2016

P.Maheswari

... Petitioner

-Vs-

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

2. The Director of Public Health
and Preventive Medicine,
Chennai-600006.

... 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 consider and issue posting order in the existing vacancy of Joint State Maternal and Child Health Officer on the basis of the petitioner representations dated 06.11.2014 and remainder dated 28.12.2015 since she is the senior most MCHO in Serial No.1 in the feeder category of Maternal and Child Health Office within a time frame.

For petitioner : Mr.N.S.Nandakumar

For Respondents : Mr.Dig Vijay Pandian
Government Advocate

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, directing the first respondent to consider and issue posting order in the existing vacancy of Joint State Maternal and Child Health Officer on the basis of the petitioner representations dated 06.11.2014 and remainder dated 28.12.2015 since she is the senior most MCHO in Serial No.1 in the feeder category of Maternal and Child Health Office within a time frame.

3. The case of the petitioner is that she was appointed as Public Health Nurse on 04.04.1996 in the Department of Public Health & Preventive Medicine through Tamil Nadu Public Service Commission and she had served for 18 years in the same post without any promotion. According to the petitioner, she stood at Sl.No.9 of the Seniority List of PHNs as per R.No.27431/MP3/SI/2014 and from 01.08.2014 one post of Joint State Maternal and Child Health officer is vacant. According to the petitioner, she is entitled for such promotion on the basis of her seniority for the past 18 years. In this regard, the petitioner made a representation to the first respondent on 06.11.2014 and remainder dated 28.12.2015. Since, no action has been taken on the said representation, the petitioner has come forward with this Writ petition.

4. Heard the learned counsel appearing on either side. The learned Government Advocate appearing for the respondents has no objection for this Court passing an order directing the first respondent to consider the representation of the petitioner dated 06.11.2014.

5. In view of the submissions made by the learned counsels appearing on either side, the first respondent is directed to dispose of the representation, dated 06.11.2014, on merits and in accordance with law, as expeditiously as possible. However, it is made clear that this Court, by this order, has not expressed any opinion on the merits of the matter.

6. This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VII)

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Sub Assistant Registrar

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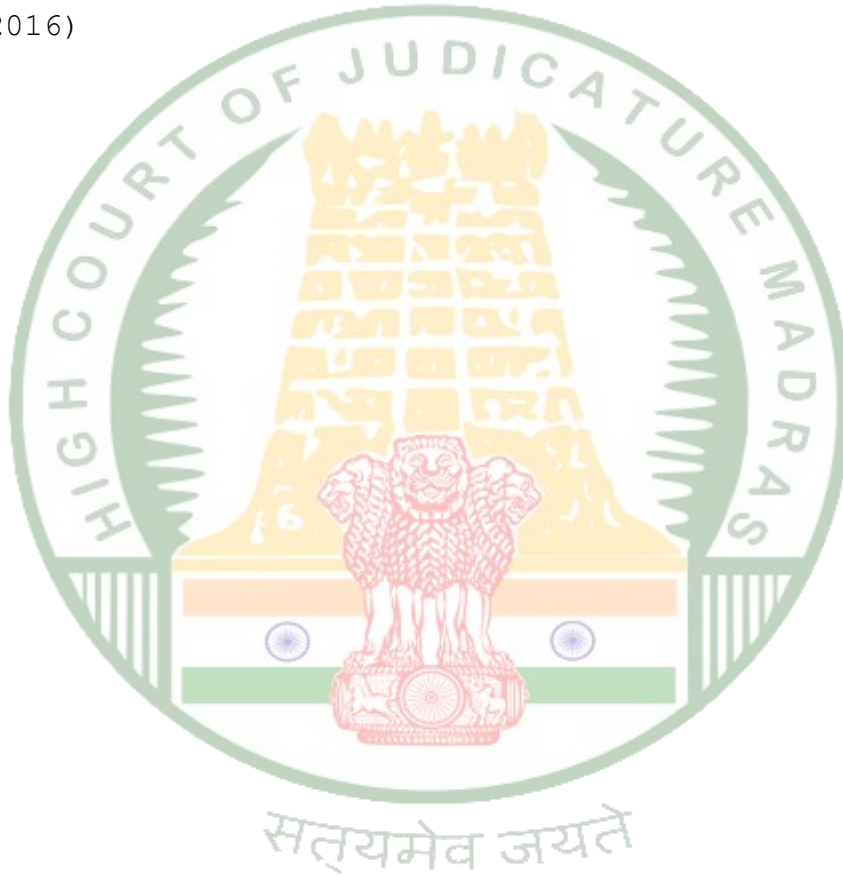
1. The Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Chennai-600 009.

2. The Director of Public Health
and Preventive Medicine,
Chennai-600 006.

+lcc to Mr.N.S.Nandakumar, Advocate, S.R.No.45387
+lcc to the Government Pleader, S.R.No.45231

W.P.No. 25797 of 2016

VG(CO)
CA(24/08/2016)



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