

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.02.2017

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

WP.No.4182/2017

M.Maria Immanuel Babu

... Petitioner

Versus

1.The Director of Medical & Rural Health
Services, DMS Compound, Teynampet
Chennai 600 006.

2.The Director of Medical Education,
Kilpauk, Chennai 600 010.

3.The Dean
Coimbatore Government Medical
College, Coimbatore.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents to pass orders for promoting the petitioner in the post of Office Superintendent in the existing remaining 9 vacancies as notified in the Office of the 1st respondent dated 07.02.2017 based on his seniority and eligibility of the petitioner by considering representation of the petitioner dated 11.02.2017 apart from rectification of discrepancies in the panel with all consequential and other attendant benefits within the time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents: Mr.K.Dhananjayan, Spl.GP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents.

2 The petitioner was appointed as a Junior Assistant in Coimbatore Medical College and Hospital on 05.08.1997 on compassionate ground and subsequently, his services have been regularised from the date of his initial appointment and his probation was also declared with effect from 04.08.1999 vide G.O [3D] No.128, Health and Family Welfare Department dated 28.10.2008. The petitioner would further aver that he has also passed the Account test for Subordinate Officers Part I in May 2004 and the Tamil Nadu Medical Code in December 1997. It is also stated that he was originally included in the panel for promotion to the post of Assistant for year 2008-2009 and got promoted to the post of Assistant on 10.07.2009. The petitioner further claims that he is also eligible for promotion to the post of Assistant in the panel for the year 2005-2006 and his seniority has also been revised from 1281 to 1058A as per the proceedings of the 1st respondent dated 21.10.2016. The petitioner would further aver that the next promotion is to the post of Office Superintendent and for the preparation of the panel, proforma particulars have also been called for and the petitioner was anticipating that his name will be included in the panel for the year 2016-2017 and the 1st respondent has also released the panel for the year 2016-2017 by including the names of 120 persons in Seniority Number upto 1054 and the name of the petitioner was not included in the said panel. The 1st respondent, subsequently, issued the proceedings dated 03.02.2017, for the purpose of conducting counselling to be held on 07.02.2017 and on that date, 133 vacancies have been notified. The grievance expressed by the petitioner is that in the event of non-inclusion of eligible persons in the panel as against the estimate of vacancies to be arrived as per the Rules, the eligible persons will be deprived of their right of inclusion in the panel for the particular year, resulting in violation of service rights as provided under the Rules. The petitioner, in this regard, has also submitted a representation dated 11.02.2017 to the 2nd respondent through proper channel and since no response is forthcoming, he came forward to file the present writ petition.

3 Heard the submissions of the learned counsel for the petitioner and Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 2nd respondent to forward the representation submitted by the petitioner to the 1st respondent, if the papers are otherwise in order, within a period of two weeks from the date of receipt of a copy of this

order and the 1st respondent, upon receipt of such representation from the 2nd respondent, is directed to consider the said representation on merits and in accordance with law and pass orders within a further period of four weeks thereafter and communicate the decision taken, to the petitioner.

5 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The Director of Medical & Rural Health Services, DMS Compound, Teynampet Chennai 600 006.
- 2.The Director of Medical Education, Kilpauk, Chennai 600 010.
- 3.The Dean Coimbatore Government Medical College, Coimbatore.

+1cc to M/S.G.Sankaran, Advocate Sr.11331
+1cc to the Government Pleader Sr.11182

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