

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.Nos.32436 and 32437 of 2017

Dr.T.Jeyasingh	... Petitioner in W.P.No.32436/17
Dr.M.Rohinidevi	... Petitioner in W.P.No.32437/17

-VS-

- 1.The State of Tamil Nadu,
Rep. By its Principal Secretary to Govt.,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai - 9.
- 2.The Director of Medical and Rural Health Service,
Anna Salai, DMS Compound,
Teynampet, Chennai - 6.
- 3.The Director of Medical Education,
Kilpauk, Chennai - 10.
- 4.The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, VOC Nagar,
Park Town, Chennai - 3. ... Respondents in both WPs

Common Prayer : Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondents to pass orders on the representation/objections submitted by the petitioners dated 08.10.2017 and to revise the Civil Medical List seniority list 2017 by rectifying the mistake of fact/discrepancy while arriving Civil Medical List seniority without reference to terms of appointment/regularization orders and fixation of seniority as per Rule 4(e) of General Rules for Tamil Nadu State and Subordinate Service in the respective cases and consequently to fix the seniority of the petitioners above CML No.2739 Dr.Jothibasur (who joined service and regularized from 1999) with all consequential and other attendant service benefits.

For petitioners: Mr.G.Sankaran
For R1 to R3 : Mr.V.Jayaprakash Narayanan, Spl.GP
For R4 : Ms.C.N.G.Niraimathi, Standing Counsel

COMMON ORDER

These writ petitions have been filed by the petitioners seeking a direction to the respondents to pass orders on their pending representations/objections dated 18.10.2017, whereby they have prayed for to revise the Civil Medical List (CML) Seniority List 2017.

2. Heard both sides.

3. Since the facts leading to both the writ petitions are one and the same, they are disposed of by this common order. For better appreciation, facts involved in W.P.No.32436 of 2017 are stated below:

The petitioner was appointed as Assistant Surgeon in Tamil Nadu Medical Services through the fourth respondent TNPSC in the year 1997 and he joined the services on 13.10.1997 and thereafter, his services were also regularized from the date of his initial appointment and thereby his probation was also declared successfully. Whiles, in the year 2005, the first respondent had drawn the CML seniority list, whereby the name of the petitioner was found at Sl.No.8219. On perusing this seniority list, the petitioner has submitted his representation/objection dated 08.10.2017 stating that some of the Assistant Surgeons appointed subsequent to the petitioner were shown above the petitioner in the seniority list. However, the said representation of the petitioner till date has not been considered.

4. It is submitted by the learned counsel for the petitioners that if the pending representations of the petitioners are considered, then they will not have any grievance at all.

5. In view of the above, considering the limited prayer of the petitioners, this Court, without going into the merits of the matter, directs the second respondent to consider and pass appropriate orders on the pending representations dated 08.10.2017 of the petitioners on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petitions are disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rkm

To

- 1.The Principal Secretary to Govt.,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai - 9.
- 2.The Director of Medical and Rural Health Service,
Anna Salai, DMS Compound,
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- 4.The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, VOC Nagar,
Park Town, Chennai - 3.

+1 cc to the Govt Pleader sr 89686

+2 ccs to M/s.G.Sankaran Advocate sr 88954

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ss(co)
aa04/01/2018

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