

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.08.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22833 of 2017 and
W.M.P.No.24000 of 2017

L.Ayyanar

.. Petitioner

vs

1.The State of Tamil Nadu,
Rep. By its Principal Secretary
to Government,
Health and Family Welfare Department,
Secretariat, Fort St.George,
Chennai 600 009.

2.The Director of Public Health and
Preventive Medicine,
DMS Campus, Teynampet,
Chennai 600 006.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to pass orders for revision of seniority of the petitioner in the post of Assistant on par with junior P.Jananayagam & C.Muthukrishnan with all consequential benefits with arrears of salary and consequently direct the respondents to include the name of the petitioner in 2017-2018 panel for promotion to the post of Superintendent on par with junior.

For Petitioner : Mr.G.Sankaran

For Respondents: Mr.K.Dhananjayan

Special Government Pleader

O R D E R

The relief sought for in this writ petition is to direct the respondents to pass orders on the representation submitted by the writ petitioner with regard to his claim for revision of seniority in the post of Assistant on par with Junior P.Jananayagam and C.Muthukrishnan with all service benefits.

2. The Learned counsel appearing for the writ petitioner states that the writ petitioner was appointed as Junior Assistant in Public Health Department on compassionate grounds in proceedings dated 28.02.1998 and joined duty on 12.01.1999. However, the regularization of services was done after some delay. The delay occurred for regularising the services of the writ petitioner is on the administration side and for which the writ petitioner cannot be penalized. There was some delay in getting orders from the Government, in respect of regularization of the services of the writ petitioner. Thus, the writ petitioner lost his opportunity of his promotion and during the interregnum period, juniors to the writ petitioner was promoted to the higher post. In this regard, the writ petitioner submitted the representation on 23.08.2016 before the 2nd respondent and no order has been passed till today. Thus, the 2nd respondent is directed to consider the representation submitted by the writ petitioner through proper channel on 23.08.2016 and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

3. Accordingly, the writ petition stands disposed of. However no order as to costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

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

2.The Director of Public Health and
Preventive Medicine,
DMS Campus, Teynampet,
Chennai 600 006.

+ 2 ccs to M/s. G. Sankaran, Advocate SR.62022
+ 1 cc to the Government Pleader Sr.62822

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SS(CO)
EU(09/10/2017)