

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3864 of 2017

R. Jayakumar

... Petitioner

Vs

1. The Director of Medical and Rural Health Services,
Teynampet,
DMS Campus,
Chennai - 600 006

2. The Dean,
Govt Thiruvannamalai Medical College and Hospital,
Thiruvannamalai ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 and 2 to consider the representation dated 11.03.2016 with regard to promotion to the post of Junior Assistant and to pass appropriate orders.

For Petitioner : Ms.Malarvizhi Udayakumar

For respondents : Mr.P. Senthilvel
Govt. Advocate

O R D E R

By consent, the writ petition is taken up for final disposal. Mr.P.Senthilvel, learned Government Advocate accepts notice on behalf of the respondents.

2. The petitioner was originally appointed in the Census Department in the year 1991. Pursuant to the order passed by the Honourable Supreme Court in C.A.No.810 of 1998 dated 29.08.2001, he was appointed as Record Clerk in the Health department and joined the said post in the year 2006. Though he possesses the requisite qualification for promotion to the post of Junior Assistant, his genuine claim is yet to be considered. The petitioner would further submit that he cleared the

Accountant as well as the Department Examination and as such, there cannot be any impediment on the part of the respondents to consider his claim and give him promotion to the post of Junior Assistant. In this regard, he has also submitted series of representations dated 29.12.2006, 22.01.2016 and 11.03.2016 and despite receipt and acknowledgement, no orders have been passed. Hence, came forward to file this writ petition.

3. Mrs.Malarvizhi Udayakumar, learned counsel for the petitioner has drawn the attention of this Court to G.O.Ms.No.15 Personnel and Administrative Reforms (B) Department dated 21.02.2002 and would submit that as per the said G.O., for appointment to the categories of Junior Assistant or Junior Assistant-cum-typist or Typist by recruitment by transfer from other services, amendments to the Special Rules for the Tamil Nadu Ministerial Service came to be made and as per the said Rules also, the petitioner is entitled to get promotion as Junior Assistant and therefore, prays for appropriate orders.

4. This Court, heard the submission of Mr.P.Sentilvel, learned Government Advocate appearing for the respondents.

5. This Court, taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the claim projected by the petitioner, directs the respondents 1 and 2 to consider the petitioner's representations dated 29.12.2006, 22.01.2016 and 11.03.2016 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Director of Medical and Rural Health Services,
Teynampet,
DMS Campus,
Chennai - 600 006.

2. The Dean,
Govt Thiruvannamalai Medical College and Hospital,
Thiruvannamalai.

+1cc to M/S.Malarvizhi Udayakumar, Advocate Sr.10172
+1cc to the Government Pleader Sr.10593

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srg 6/3/2017



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