

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2017

CORAM:

THE HON'BLE MR.JUSTICE T.RAJA

W.P. No.15606 of 2017

B.M. Devaraj

Petitioner

vs.

1 The Director of Public Health & Preventive Medicine
DMS Compound
Teynampet, Chennai 600 018

2 The Deputy Director of Health Science
Udhagamandalam, The Nilgiris District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the second respondent to confer the petitioner promotion to the post of Health Inspector Grade - II with effect from 12.12.2011 with all service and monetary benefits on par with his junior Rajendran pursuant to the order dated 01.12.2016 passed by the first respondent allowing the statutory appeal preferred by the petitioner and by considering the petitioner's representation dated 22.02.2017 within a specified period.

For petitioner Mr. P. Ganesan

For respondents Mr. P. Sanjay Gandhi
Additional Government Pleader

ORDER

Mr. P. Sanjay Gandhi, learned Additional Government Pleader, accepts notice for the respondents. With consent, this writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition has been instituted seeking a writ of mandamus directing the second respondent to promote the petitioner to the post of Health Inspector Grade - II with effect from 12.12.2011 with all service and monetary benefits on par with his junior Rajendran pursuant to the order dated 01.12.2016 passed by the first respondent allowing the statutory appeal preferred by the petitioner and by considering the petitioner's representation dated 22.02.2017 within a specified period.

3 The petitioner was appointed as Office Assistant through employment exchange on 14.09.1990 and he got the benefit of regularisation after declaration of probation. Subsequently, he underwent 6-month condensed training course for Multi Purpose Health Workers, being one of the requirements for basic servants for promotion to the post of Health Inspector Grade-II and completed the said course on 30.04.2011.

4 His grievance is that when the respondents prepared a seniority list on 26.11.2011 showing his name at Sl. No.41 and far below him, his junior named Rajendran at Sl. No.58, by proceedings dated 12.12.2011, the said junior, viz., Rajendran, was given promotion; since he was facing a charge memo issued under Rule 17(a) of the Tamil Nadu Government Servants Conduct (Discipline and Appeal) Rules, he was denied promotion; subsequently, he was inflicted with the punishment of stoppage of increment for three years without cumulative effect vide order dated 16.04.2012; aggrieved by the said order, he preferred an appeal before the first respondent, in which, the order of punishment was set aside vide order dated 01.12.2016; therefore, he has addressed a representation dated 22.02.2017 to the first respondent seeking promotion on par with his junior Rajendran from the date on which he was given promotion to the post of Health Inspector, Grade II and since the same is still under consideration, this writ petition has been filed seeking the aforestated relief.

5 As the punishment order dated 16.04.2012 has been set aside by the appellate authority, viz., the first respondent vide order dated 01.12.2016, as a natural corollary, the petitioner's name should be considered for promotion to the post of Health Inspector, Grade II, on par with his junior Rajendran.

6 The learned Additional Government Pleader sought six weeks time for the first respondent to consider and pass orders on the petitioner's representation dated 22.02.2017.

7 In view of the above submission of the learned Additional Government Pleader, the first respondent is directed to consider and pass orders on the petitioner's representation dated 22.02.2017 on its own merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, this writ petition stands disposed of. Costs made easy.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

1 The Director of Public Health & Preventive Medicine
DMS Compound
Teynampet
Chennai 600 018

2 The Deputy Director of Health Science
Udhagamandalam
The Nilgiris District

+1cc to Mr.P.Ganesan, Advocate in sr.no.43421
+1cc to Government Pleader in sr.no.43786

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MG (CO)
NR 10/07/2017



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