

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Coram

Dated: 06.02.2017

The Honourable Mr. JUSTICE M.SATHYANARAYANAN

Writ Petition Nos.2780 and 2781 of 2017

and W.M.P.Nos.2715 and 2716 of 2017

M.ThangaduraiPetitioner in W.P.No.2780/2017

P.Chelladurai Petitioner in W.P.No.2781/2017

-Vs-

1. The Principal Secretary,
Health and Family Welfare Department,
Government of Tamil Nadu,
Fort StGeorge,
Chennai - 600 009.
2. The Director of Medical Education,
Kilpauk,
Chennai - 600 010
3. The Director,
Medical and Rural Health Services,
Chennai - 600 006. Respondents in both the W.Ps.

Writ Petitions have been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to issue orders for sanction of promotion orders from the post of Grade-II to Grade-I and from Grade I to Lab Supervisor on state wise seniority among the qualified persons.

For Petitioners : Mr.D.Bharathy

For Respondents : Mr.K.Dhananjayan,
Special Government Pleader.

C O M M O N O R D E R

By consent, both the writ petitions are taken up for final disposal and a common order is passed as the issue to be adjudicated is one and the same.

2. The petitioner in W.P.No.2780/2017, after completing Diploma in Medical Lab Technician, joined the service of Mohan Kumaramangalam Hospital, Salem, as Lab Technician Grade-II. According to him, he is entitled to be promoted to the post of Grade-I Lab Technician. However, the respondents have overlooked the seniority and have given promotion to persons who have joined later. The petitioner has also expressed his grievance stating that in the light of the District/ Institution seniority, the senior persons promotions were denied who have worked more than 30 years as Lab Technician Grade-II, though G.O.(Ms).No.22 Health and Family Welfare (C2) Department, dated 29.01.2010 prescribes that for recruitment to the post of Lab Technician Grade-II, the state wise seniority is to be followed. The said G.O. is also issued in compliance with the order passed in a batch of writ petitions in W.P.No.7061, 7062, 7136 to 1739/2008 (M.Rameshkumar and others). The petitioner, in this regard, has also submitted a representation dated 21.10.2016 to the 1st respondent through proper channel. Since no orders have been passed, he came forward to file the writ petition.

3. The petitioner in W.P.No.2781/2017, after completing Diploma in Medical Lab Technician, joined the service of Mohan Kumaramangalam Hospital, Salem, as Lab Technician Grade-II. According to him, he is entitled to be promoted to the post of Grade-I Lab Technician. However, the respondents have overlooked the seniority and have given promotion to persons who have joined later. The petitioner has also expressed his grievance stating that in the light of the District/ Institution seniority, the senior persons promotions were denied who have worked more than 30 years as Lab Technician Grade-II, though G.O.(Ms).No.22 Health and Family Welfare (C2) Department, dated 29.01.2010 prescribes that for recruitment to the post of Lab Technician Grade-II, the state wise seniority is to be followed. The said G.O. is also issued in compliance with the order passed in a batch of writ petitions in W.P.No.7061, 7062, 7136 to 1739/2008 (M.Rameshkumar and others). The petitioner, in this regard, has also submitted a representation dated 21.10.2016 to the 1st respondent through proper channel. Since no orders have been passed, he came forward to file the writ petition.

4. Though the petitioners pray for a larger relief, this Court, in the light of the above facts and circumstances,

without going into the merits of the claim projected by the petitioners, permits the petitioners to submit one more representation to the 1st respondent through respondents 2 and 3 within a period of two weeks from the date of receipt of a copy of this order and the respondents 2 and 3, upon receipt of the same, are directed to consider the same in the light of G.O. (Ms).No.22 Health and Family Welfare (C2) Department, dated 29.01.2010 and forward necessary proposal to the 1st respondent within a further period of six weeks thereafter and upon receipt of the same, the first respondent is directed to consider the said proposal on merits and in accordance with law within a further period of eight weeks thereafter and communicate the decision taken to the petitioners through 2nd and 3rd respondents. The writ petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

sd/
Assistant Registrar (CS IV)

/true copy/

Sub Assistant Registrar

vsi
To

1. The Principal Secretary,
Health and Family Welfare Department,
Government of Tamil Nadu,
Fort StGeorge,
Chennai - 600 009.
2. The Director of Medical Education,
Kilpauk, Chennai - 600 010
3. The Director,
Medical and Rural Health Services,
Chennai - 600 006.

+1cc to D.Bharathy, Advocate SR.No.7541
+1cc to Government Pleader SR.No.7784

W.P.2780 and 2781 of 2017

NR(CO)
GN(24/02/2017)