

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 14.08.2018

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

W.P. NO. 20913 OF 2018

S.Jaffar Sahib

.. Petitioner

- Vs -

1. The Government of Tamil Nadu, rep. By
the Secretary to the Government
Health & Family Welfare Dept.
Fort St. George, Chennai 600 009.
2. The Director of Public Health &
Preventive Medicine,
Chennai 600 006. .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the 1st respondent to consider the petitioner's representation dated 17.11.2017 requesting for promotion to the post of Health Educator in the light of the orders passed by the 2nd respondent in R. No.030763/DA/S2/14 dated 21.12.2015 within a time limit to be fixed by this Court.

For Petitioner : Mr.P.Rajendran

For Respondents: Ms.A.Thangavadhana Balakrishnan,
AGP

ORDER

The petitioner, who retired from the services as Non-Medical Supervisor, has filed this writ petition seeking a direction to the respondents to consider his representation dated 17.11.2017 for notional promotion.

2. It is the claim of the petitioner that his juniors were promoted as Health Educators on 31.3.2014 and that he was not promoted. The reason for the non-promotion of the petitioner is that when he was due for retirement on attaining the age of superannuation on 30.4.2014, a day prior to the date of his retirement, a charge memo was issued to him by the 2nd respondent. The charge against him was that a chief Civil

Surgeon has given a complaint against him on 19.11.2012 stating that the petitioner assaulted him and broke his cell phone. In respect of the said complaint, disciplinary proceedings were initiated u/s 17 (b) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules and that criminal case was also initiated. Ultimately, the criminal case ended in acquittal and the departmental proceedings were dropped as the charges were not proved.

3. Subsequent to the dropping of the charges, the petitioner made a claim that he ought to have been given notional promotion on par with all his juniors. Therefore, the petitioner submitted a representation dated 17.11.17 to the 2nd respondent, which evoked no response till date. Since no orders have been passed on the said representation, the petitioner has filed the present writ petition.

4. When the matter is taken up, learned counsel for the respondents submit that the 1st respondent may be directed to consider the said representation dated 17.11.17 and pass orders thereon within a time frame.

5. In such view of the matter, without going into the merits of the issue, as the petitioner has already retired from service, this Court directs the 1st respondent to consider the representation dated 17.11.17, submitted by the petitioner for notional promotion, and pass orders thereon, 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. This writ petition is disposed of with the aforesaid direction. However, there shall be no order as to costs.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to the Government
Government of Tamil Nadu
Health & Family Welfare Dept.
Fort St. George, Chennai 600 009.

2. The Director of Public Health &
Preventive Medicine, Chennai 600 006.

+1cc to Mr.P.Rajendran, Advocate Sr.56678
+1cc to the Government Pleader Sr.56423.

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srg 18/09/2018



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