

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2018

CORAM

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition No.22574 of 2008

Dr.C.Nataraju

.. Petitioner

Versus

1. Government of Tamil Nadu,
rep. by its Secretary of Health and Family Welfare,
St. George Fort,
Chennai.
2. The Director of Medical & Rural Health Service,
Chennai-600 006. .. Respondents

Prayer: This Writ petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records pertaining to the tentative list of Civil Surgeon issued by the 2nd respondent in Ref.No.21000/E6/1/2008 dated 25.08.2008 and quash the same in so far as the non-inclusion of the petitioner's name.

For Petitioner :Mr.V.Venkatesan for m/sG. Devi

For Respondents :Mr.R.S.Selvam
Government Advocate.

ORDER

The petitioner prays to issue a writ of Certiorari calling for the records pertaining to the tentative list of Civil Surgeon issued by the 2nd respondent in Ref.No.21000/E6/1/2008, dated 25.08.2008 and quash the same in so far as the non-inclusion of the petitioner's name.

2. It is the contention of the petitioner that he joined the service as Assistant Surgeon on 14.07.1986 and promoted as Civil Surgeon, Government Hospital, Seindhanur, Namakkal District. The petitioner name was included in the promotion panel to the post of Senior

Civil Surgeon (Sl.No.17) by the 2nd respondent in Ref.No.21000/E6/1/08 dated 01.04.2008. Again on 25.08.2008 the 2nd respondent issued a communication, which consists of a tentative list of Civil Surgeon to be included in the panel for the year 2008-2009 for promotion to the post of Senior Civil Surgeon as per CML Seniority. But, the petitioner's name was not found in the list and having no other alternative he has approached this Court by way of filing this writ petition.

3. Today, when the matter came up for hearing the Government Advocate has produced a proceedings in Ref.No.73065/E6/1/2017, dated 13.12.2017, which is extracted hereunder:

"However, the Government in G.O. (Ms.) No. 354, Health and Family Welfare Department, dated 23/10/2009 have created approximately 1090 Chief Civil Surgeon posts and issued order to refit/promote the MEDICAL Officers who have completed 20 years of Service, as Chief Civil Surgeon with pay Band IV with grade pay of Rs.8,700/- followed by G.O. (Ms). No.357, Health and Family Welfare Department, dated 15.12.2010 in which the prescribed years of completion of service to be refitted/promoted as Chief Civil Surgeon has been relaxed. The said refitment was made vide proceedings Ref.No.78000/E6/1/2009, dated 15.02.2010, 30.04.2010, 17.5.2010, 12.10.2010 and 10.01.2011 of the Director of Medical and Rural Health Service in a phased manner.

In the meantime, the Government have dropped further action on the disciplinary proceedings initiated against Dr.C.Nataraju, the petitioner vide G.O.(D) No. 64, Health and Family Welfare (K1) Department dated 28/01.2010 and subsequently permitted the Medical Officer to retire from the Government Service on superannuation on 31/01/2010 AN. Consequent to the dropping of the disciplinary action initiated against him. Person Oriented Promotion has been issued to DR.C.Nataraju as per G.O.Ms.No.354, Health and Family Welfare Department, dated 23/10/2009 carrying pay Bank IV of Rs.37,400-67,000/- with Grade Pay Rs.8,700/- on rank higher than senior Civil Surgeon which was prayed by the petitioner directly from the cadre of Civil Surgeon vide reference 1st cited

I am to state that the petitioner DR.C.Nataraju was issued Person Oriented Promotion in the cadre of Chief Civil Surgeon with effect from 23.10.2009 directly from the cadre of Civil Surgeon and the post of Chief Civil Surgeon is higher than the Senior civil Surgeon promotion which was requested by the petitioner herein."

4. Since, the petitioner was promoted to the cadre of the Chief Civil Surgeon with effect from 23.10.2009 and he has been retired from the services, nothing survives for further adjudication and this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS v)

//True Copy//

Sub Assistant Registrar

smn
To

1. The Secretary of Health and Family Welfare,
Government of Tamil Nadu, St. George Fort,
Chennai.
2. The Director of Medical & Rural Health Service,
Chennai-600 006.

+1 CC TO GOVERNMENT PLEADER SR.NO. 51314

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ASK(15/11/2018)

सत्यमेव जयते

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