



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Tuesday, the Twenty Fourth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.SURESH KUMAR

WMP (MD) No.14436 of 2018
IN WP (MD) No.16204 of 2018

M.CHOKKALINGAM

... PETITIONER

Vs

1 STATE OF TAMILNADU,
REP.BY ITS SECRETARY,
DEPARTMENT OF HEALTH AND FAMILY WELFARE,
FORT.ST.GEORGE, CHENNAI - 09.

2 THE DIRECTOR OF PUBLIC HEALTH
AND PREVENTIVE MEDICINE,
O/O.THE DIRECTORATE OF PUBLIC HEALTH
AND PREVENTIVE MEDICINE,
DMS COMPLEX, TEYNAMPET,
CHENNAI-600 006.

3 V.CATHERINE VIJAYA PRIYA
4 L.SUBBIAH
5 C.RAJA
6 P.DEVAKUMAR
7 V.RAGUNATHAN
8 S.ANANDHI
9 C.JAMES LAWRENCE
10 S.BENAZIR
11 V.RAJALAKSHMI
12 K.REVATHI

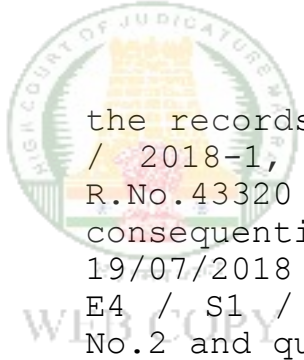
... RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to pass an order of interim stay of the operation of the impugned order in R.No.43320 / E4 / S2 / 2018-1, dated 19/07/2018 and the subsequent impugned order in R.No.43320 / E4 / S2 / 2018-2, dated 19/07/2018 along with the consequential order in R.No.64401 / E4 / S1 / 2018-1 dated 19/07/2018 and the consequential order of promotion in R.No.64401 / E4 / S1 / 2018-4, dated 19/07/2018 on the file of the Respondent No.2 pending disposal of the writ petition.

Prayer in WP (MD). 16204/ 2018 :

<https://hcservices.ecourts.gov.in/hcservices/>

Writ petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorari to call for



the records pertaining to the impugned order in R.No.43320 / E4 / S2 / 2018-1, dated 19/07/2018 and the subsequent impugned order in R.No.43320 / E4 / S2 / 2018-2, dated 19/07/2018 along with the consequential order in R.No.64401 / E4 / S1 / 2018-1 dated 19/07/2018 and the consequential order of promotion in R.No.64401 / E4 / S1 / 2018-4, dated 19/07/2018 on the file of the Respondent No.2 and quash the same as illegal.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.S.LOUIS, Advocate for the petitioner and of Mrs.S.SRIMATHY, Special Government Pleader for R1 & R2, the court made the following order:-

By the impugned order of promotion dated 19.07.2018, the private respondents have been given promotion. The petitioner has raised objections saying that even though the objections were called for within two months period, without giving any time to make such objections, the impugned order of promotion has been issued on 19.07.2018 by which, they made a mockery on the procedure to be followed in the very alleged promotion without giving chance for making representation by the affected persons.

2. Therefore, the learned counsel appearing for the petitioner would submit that, such promotion order, which is impugned herein, dated 19.07.2018, cannot be given effect to and the private respondents should not be permitted to join in the promoted place/position. Hence, he press for interim order of stay.

3. I have considered the said submission made by the learned counsel for the petitioner.

4. Since the impugned order of promotion has been given on 19.07.2018 and the writ petition is moved only today, it cannot be presumed that pursuant to the impugned order of promotion, the promotees have not joined in the promoted post. Moreover, if ultimately the petitioner succeeds in the main writ petition, certainly, he would get the benefits of placing in proper place, as per his seniority and consequently, he would be also considered for promotion and other consequential service benefits.

5. In view of the said position, this stay petition filed in this regard need not be entertained, at this juncture. Accordingly, this petition is dismissed.

sd/-
24/07/2018

/ TRUE COPY /



TO
1 STATE OF TAMILNADU,
THE SECRETARY,
DEPARTMENT OF HEALTH AND FAMILY WELFARE,
FORT.ST.GEORGE, CHENNAI - 09.

2 THE DIRECTOR OF PUBLIC HEALTH
AND PREVENTIVE MEDICINE,
O/O.THE DIRECTORATE OF PUBLIC HEALTH
AND PREVENTIVE MEDICINE,
DMS COMPLEX, TEYNAMPET,
CHENNAI-600 006.

+1. C.C. to Mr.S.LOUIS Advocate SR.No.13961

ORDER
IN
WMP (MD) No.14436 of 2018
IN
WP (MD) No.16204 of 2018
Date :24/07/2018

MS/MMS/SAR-2/30.07.2018/3P.4C