



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

AND

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.A(MD)No.1055 of 2018

and

C.M.P(MD)Nos.7281 & 7282 of 2018

M.Chokkalingam

... Appellant/Petitioner

Vs.

1. State of Tamil Nadu,
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/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 24.07.2018 made in W.M.P(MD)No.14436 of 2018 in W.P(MD)No.16204 of 2018, on the file of this Court.

Prayer in WMP(MD)No. 14436 of 2018 :

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)No. 16204 of 2018 :

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.

For Appellant : Mr.S.Louis
For RR 1 & 2 : Mr.M.Jeya Kumar,
Additional Government Pleader.

JUDGMENT

(Judgment of the Court was delivered by
M. DURAISWAMY, J.)

Challenging the dismissal order passed in W.M.P(MD)No.14436 of 2018 in W.P(MD)No.16204 of 2018 dated 24.07.2018, the petitioner has filed the above Writ Appeal.

2. The appellant filed the writ petition to issue a Writ of Certiorari, to call for the records pertaining to the impugned order dated 19.07.2018 and the subsequent impugned order dated 19.07.2018 along with the consequential order dated 19.07.2018 and the consequential order of promotion dated 19.07.2018 on the file of the second respondent and to quash the same. In the said writ petition, the appellant also filed an application seeking for an order of interim stay of the operation of the impugned orders.

3. The learned Single Judge protecting the interest of the petitioner in paragraph No.4 of the order observed that if ultimately the petitioner succeeds in the writ petition certainly, he would get the benefits of placing in proper place, as per the seniority list and consequently, he would also be considered for promotion in other consequential service benefits. While observing so, the learned Single Judge found that there is no necessity for granting an order of interim stay at this juncture.

4. The learned single Judge refused to grant an order of interim stay which is discretionary in nature. Hence, we are not inclined to interfere with the discretionary order passed by the learned Single Judge. Since the interest of the appellant has been protected in paragraph No.4 of the order, we are not interfering with the order passed by the learned Single Judge. However, it is open to the appellant to request the learned Single Judge to take up the writ petition for hearing early.



5. In these circumstances, the Writ Appeal is devoid of merits and the same is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

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/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Secretary to Government,
Department of Health and Family Welfare,
State of Tamil Nadu,
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.

+1cc to Mr.S.Louis, Advocate Sr.No.76907

PS

VB/RP/SAR3/14.08.2018/3P/4C

W.A (MD) No.1055 of 2018
02.08.2018