



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.20026 of 2018

Dr.A.Subhalaxmi
Senior Assistant Surgeon,
Government Hospital,
Ambasumudhiram,
Tirunelveli District.

... Petitioner

Vs.

The Director,
Medical and Rural Health Service,
Tenampet, Chennai.

... Respondent

Prayer:Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent to consider the representation of the petitioner dated 27.11.2017 and 09.03.2018 made for the promotion as senior civil surgeon with all retrospective benefits.

For Petitioner : Mr.G.Maruthiah

For Respondent : Mr.R.Sethu Raman
Special Government Pleader.

O R D E R

This Writ Petition has been filed to direct the respondent to consider the representation of the petitioner dated 27.11.2017 and 09.03.2018 seeking promotion as senior civil surgeon with all retrospective benefits.

2.Mr.R.Sethu Raman, learned Special Government Pleader takes notice for the respondent. By consent, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.The learned counsel for the petitioner submitted that the petitioner is working as a Senior Assistant Surgeon at Ambasamudhiram Government Hospital. As per the proceedings of the Secretary of Health and Family Welfare Department dated 01.03.2013, the persons, who have served for 17 years, shall be promoted as Senior Civil Surgeon and the persons, who have served for 20 years, shall be promoted as Chief Civil Surgeon. The petitioner was appointed as Assistant Surgeon on 30.05.1995 and she has served for 22 years as Assistant Surgeon. Hence, she is eligible for the promotion of Chief Civil Surgeon. Even though she served 22 years as Senior Assistant Surgeon, she has not promoted as chief Civil



Surgeon. In this regard, the petitioner made representation dated 27.11.2017 and 09.03.2018 to the respondent.

4.The learned counsel for the petitioner submitted that it would suffice if the representation of the petitioner dated 27.11.2017 and 09.03.2018 is disposed of, in accordance with law, within a time frame to be fixed by this Court.

5.The petitioner made her grievance only in the year 2017 for the first time and the promotion already made shall not be disturbed. However, nothing prevents the respondent from considering the representation of the petitioner. Accordingly, the respondent is directed to consider the representation of the petitioner dated 27.11.2017 and 09.03.2018 in accordance with law, after giving notice to the interested parties, if any, and pass appropriate orders within a period of two months from the date of receipt of a copy of this order, if there are no legal impediments.

6.With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-I)

To
The Director,
Medical and Rural Health Service,
Tenampet, Chennai.

+ 1 CC TO Mr.G.Maruthiah, ADVOCATE IN SR No. 85381.

+1 cc to Special Government Pleader, SR.No.86218.

Gns
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