

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 13.02.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.6328 of 2018

J.Alamelumangai

..Petitioner

Vs.

1. The Secretary to Government,
Health & Family Welfare Department,
Fort St. George, Chennai 600 009.
2. The Director of Medical Education,
Kilpauk, Chennai 600 010.
3. The Additional Director of Medical Education (Nursing)
Directorate of Medical Education,
Kilpauk, Chennai 600 010.
4. The Dean,
Government Theni Medical College,
Theni.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 1 to 3 respondents to settle the period in which the petitioner was not given a posting from 01.03.2016 to 06.07.2017 as duty period for all purposes in the light of the representation made by the petitioner dated 03.01.2018 within a reasonable time.

For Petitioner : Mrs.K.Venkata Ramani
Senior counsel for
Mr.Muthappan

For Respondents : Mrs.P.Rajalakshmi
Additional Government Pleader

O R D E R

This writ petitioner has been filed seeking to direct the 1 to 3 respondents to settle the period in which the petitioner

was not given a posting from 01.03.2016 to 06.07.2017 as duty period for all purposes in the light of the representation made by the petitioner dated 03.01.2018 within a reasonable time.

2 The grievances of the writ petitioner is that on account of the fact that the respondents had not issued posting orders during the relevant point of time, the petitioner was not in a position to join duty, the situation arose on account of the litigation/writ petitions filed by the writ petitioner challenging the order of transfer and promotion.

3 The learned senior counsel appearing on behalf of the writ petitioner made a submission that now the issues relating to the promotion and transfer are subjudice before the Hon'ble Supreme Court of India in S.L.P.(C).No.16550 of 2018. This Court is of the considered opinion that during the pendency of S.L.P., this Court would not be in a position to issue any positive direction to regulate the period of absence. However, the said period is to be regulated in accordance with the rules by the competent authorities and subject to the outcome of the Special Leave Petition filed by the writ petitioner before the Apex Court of India.

4 Under these circumstances, the authorities shall consider the representations submitted by the writ petitioner on 03.01.2018 and provide reply within a period of twelve weeks from the date of receipt of a copy of this order.

With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Secretary to Government,
Health & Family Welfare Department,
Fort St. George, Chennai 600 009.
2. The Director of Medical Education,
Kilpauk, Chennai 600 010.
3. The Additional Director of Medical Education (Nursing)
Directorate of Medical Education,
Kilpauk, Chennai 600 010.

4. The Dean,
Government Theni Medical College,
Theni.

+1cc to Mr.M.Muthappan, Advocate, S.R.No. 13179

+1cc to the Government Pleader, S.R.No. 14083

W.P.No.6328 of 2018

RK (CO)
GN (13/03/2019)



WEB COPY