

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.31950 of 2019 and
W.M.P.No.32201 of 2019

Dr.G.Dilish

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by itself Principal Secretary to Government,
Health and Family Welfare Department

2. The Director of Medical Education,
No.162, EVR Periyar Salai,
Kilpauk, Chennai - 600 010

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent herein to include the name of the petitioner in the panel for the promotion to the post of Associate Professor for the year 2019 and to promote him to the said post and issue the posting on his preference and seniority and to grant him all consequential benefits.

For Petitioner : Mr.M.Ravi

For Respondent : Mr.V.Kadhirvelu,
Special Government Pleader (Edn.)

सत्यमेव जयते
O R D E R

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The case of the petitioner is that the petitioner joined as Tutor in the Government Mohan Kumaramangalam Medical College, Salem. Subsequently he joined as Assistant Professor in the same college. While he was in service, disciplinary proceedings was initiated by the second respondent and subsequently in the year 2017, order of punishment of stoppage of increment for a period of one year without cumulative effect was awarded by order dated 28.04.2017 and subsequently the petitioner's promotion was passed over in the year 2016, 2017 and 2018. Even

after completing the punishment period, the petitioner's promotion was not considered. Hence, the petitioner made representation on 20.08.2019, but till date the same has been not considered. Hence, the petitioner has filed the present petition.

3.Heard both sides.

4.Mr.M.Ravi, the learned counsel appearing for the petitioner submitted that as per Schedule XI-II (12) of Tamil Nadu Government Servants (Conditions of Service) Act, 2016, "a member of service whose name has not been included in the approved list for a punishment shall not be overlooked in the subsequent years' list for the same punishment or punishments, provided the member of service is not undergoing any punishment on the crucial date for preparation of approved list". Therefore, in view of the same, the petitioner is entitled to consideration of his representation in the light of the Schedule XI-II (12) of the said Act.

5.Mr.V.Kadhirvelu, Special Government Pleader submitted that the representation of the petitioner will be considered in accordance with law as early as possible.

6.Though the petitioner has sought for a larger relief, this Court without going into the merits of the case, directs the first respondent to consider the petitioner's representation dated 20.08.2019 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

7.With the above direction, this writ petition stands disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar (Insp.Cell)

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Sub Assistant Registrar

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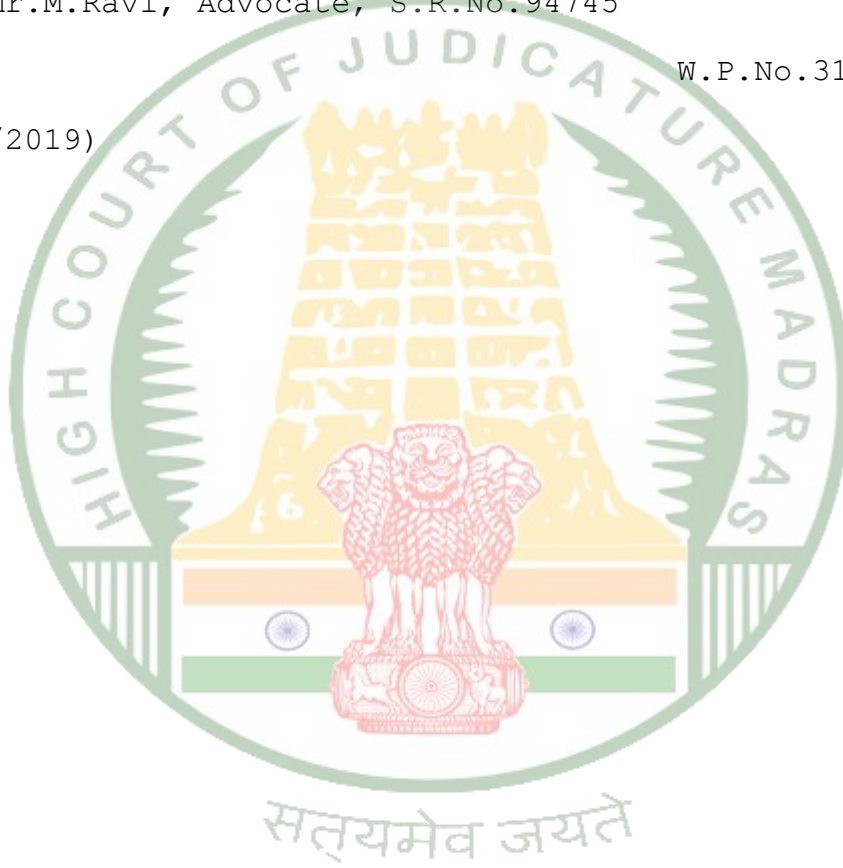
To

1. The Principal Secretary to Government,
Government of Tamil Nadu,
Health and Family Welfare Department,
Chennai - 9.
2. The Director of Medical Education,
No.162, EVR Periyar Salai,
Kilpauk, Chennai - 600 010

+1 cc to Mr.M.Ravi, Advocate, S.R.No.94745

W.P.No.31950 of 2019

NMI (CO)
SSM(15/11/2019)



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