

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 21.11.2019
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32558 of 2019
and
W.MP.Nos.32938, 32932 & 32935 of 2019

1 S.JOSEPHINE LEELA ... Petitioner

Vs

1 THE Govt of Tamil Nadu
Rep by its Principal Secretary Department of
Health and family Welfare
Secretariat, Chennai.

2 The Director of Medical Education
Directorate of Medical Education
Kilpauk, Chennai-10.

3 The Director, Directorate of
Medical and Rural Health services,
Teynampet, Chennai-6.

4 P.VIJAYA, CNL N 7004,
The Principal Working at School of Nursing
Kanyakumari Medical college and Hospital
Aasaripallam,
Kanyakumari.

..... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records and to quash the impugned order REF. No 21470/N2/2019 dated 3.7.2019 issued by the 2nd respondent Tentative Seniority List Chennai for the Post of Nursing Tutor Grade-I and consequently direct the 2nd Respondent to Promote the Petitioner who is having CNL NO 7002 in service and senior to the 4th Respondent by following the regular procedure as contemplated in the Promotion of the Nursing Tutor Grade- I.

For Petitioner : Mr.C.Kanagaraj
For Respondents : Mr.A.N.Thambidurai, SP1.G.P.

ORDER

- 1.The petitioner has filed this writ petition seeking issuance of a Writ of Certiorarified Mandamus to call for the records and to quash the impugned order REF. No 21470/N2/2019 dated 3.7.2019 issued by the 2nd respondent Tentative Seniority List Chennai for the Post of Nursing Tutor Grade- I and consequently direct the 2nd Respondent to Promote the Petitioner who is having CNL NO 7002 in service and senior to the 4th Respondent by following the regular procedure as contemplated in the Promotion of the Nursing Tutor Grade- I.
- 2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.
- 3.According to the petitioner, she joined as Staff Nurse on 15.06.1990 at Government Head Quarters hospital, Nagapattinam and her basic grade pay of was at Rs.1200/-. Thereafter, the petitioner was promoted as Nursing Tutor Grade II in the year 2006, based on G.O.53 (D) dated 22.02.2001, as per CNL seniority (Civil Nurse List). According to the petitioner, there are no guidelines for drawing promotion panel in Nursing Department, except Civil Nurse List and the respondents effected promotions based on the date of joining of service and the date of joining of service is the only criteria for the promotion. While that be so, to her shock and surprise, the second respondent has drawn a recent panel of Nursing Tutor Grade-I, wherein the petitioner's name was missing. The grievance of the petitioner is that though she is fully eligible for promotion, she was not considered, whereas her junior 4th respondent herein was considered. Hence, she made a representation on 08.07.2019, requesting the respondents to consider her claim. Since there is no action forthcoming, the petitioner is before this Court.
- 4.The learned counsel for the petitioner would submit that without going into merits of the case since the representation made by the petitioner has been pending without any progress it would suffice if this Court directs the respondents and to consider and dispose of the representation made by the petitioner in accordance with law.
- 5.The learned Special Government Pleader appearing for the respondents while conceding the claim of the petitioner, would submit that if any such direction is given by this Court, the same would be complied with and the representation of the petitioner would be disposed of in accordance with law.

6.Considering the facts and circumstances of the case and the submissions made on either side, without going into the merits of the case, the respondents are directed to consider and dispose of the representation dated 08.07.2019, made by the petitioner in accordance with law and on merits, after affording opportunity to the aggrieved person including the 4th respondent, within a period of twelve weeks from the date of receipt of a copy of this order.

7.The writ petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

jrs

To

- 1 The Principal Secretary Department of Health and family Welfare Secretariat, Chennai.
- 2 The Director of Medical Education Directorate of Medical Education Kilpauk, Chennai-10.
- 3 The Director Directorate of Medical and Rural Health services, Teynampet, Chennai-6.

+1cc to Mr.C.Kanagaraj, Advocate, SR.No.97140.
+1cc to Government Pleader, SR.No.97616.

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and
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VGI (CO)
CSR: 07/01/2020