

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2019

C O R A M

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

Writ Petition No. 25522 of 2018

K.Parvathy

... Petitioner

Vs.

1.The Director of Medical Education
Directorate of Medical Education
Kilpauk, Chennai 600 010.

2.Director of Medical and Rural Health Services
Teynampet, Chennai.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to consider the petitioner for promotion as Nursing Superintendent Grade I for the year 2018-19 without reference to and without taking into account the pendency of the charge under rule 17 (b) in charge memo Na.Ka.No. 34527/ CNP2/2013-3 dated 08.05.2018.

For Petitioner : Mr.B.Nedunchezhiyan

For Respondents : Mr.V.Kathirvelu,
Special Government Pleader for R1

Mr.R.S.Selvam,
Government Advocate for R2

सत्यमेव जयते
O R D E R

The relief sought for in the present writ petition is for a direction to direct the second respondent to consider the petitioner for promotion as Nursing Superintendent Grade-I for the year 2018-19 without reference to and without taking into account the pendency of the charge under Rule 17 (b) of the Tamil Nadu Government Services (Discipline and Appeal) Rules, vide charge memo Na.Ka.No.34527/CNP2/2013-3 dated 08.05.2018.

2.The learned counsel for the petitioner states that the writ petitioner is now working as Nursing Superintendent Grade-II and next avenue for promotion is the post of Nursing Superintendent Grade-I. The case of the writ petitioner is not

considered, on account of the fact that a departmental disciplinary proceeding has been initiated against the writ petitioner and a charge memo was issued under Rule 17-B of the Tamil Nadu Government Services (Discipline and Appeal) Rules. The case of the writ petitioner has not been considered for the purpose of promotion to the post of Nursing Superintendent Grade-I. This Court is of the considered opinion that the pendency of the charge under Rule 17-B is a bar for promotion. The case of the writ petitioner is to be considered only after the disposal of the charge memo and she is exonerated from the allegations. During the pendency of the charge memo under Rule 17-B of the Tamil Nadu Government Services (Discipline and Appeal) Rules the case of the petitioner cannot be considered for promotion. Even as per the Government Order the pendency of the charge memo is barred. This principle being followed, the very relief sought for in the present writ petition is misconceived. She herself has admitted that the disciplinary proceeding under Rule 17-B is pending. Hence, the claim of the writ petitioner shall be considered only after disposal of the departmental disciplinary proceedings.

3. With these observations, this writ petition stands dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

may a

To

1. The Director of Medical Education
Directorate of Medical Education
Kilpauk, Chennai 600 010.

2. The Director of Medical and Rural Health Services
Teynampet, Chennai.

+1 cc to Mr.B.Nedunchezhiyan, Advocate, Sr.No. 27276
+1 cc to The Government Pleader, Sr.No. 27475

W.P. No. 25522 of 2018

CS(CO)
CSL/29.04.2019