



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **12.04.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WP(MD)No.8916 of 2019 and
WMP(MD).No.6903 of 2019

Government Diploma Medical Lab Technician Association,
rep. by its State General Secretary,
P.U. Shajahan ... Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by its Secretary to Government,
Health and Family Welfare Department,
Fort. St. George,
Chennai - 600 009.

2.The Director of Medical Education,
State of Tamil Nadu,
Kilpauk, Chennai.

3.The Director of Medical Services,
State of Tamil Nadu,
Teynampet,
Chennai.

4.The Director of Medical and Rural Health Services (ESI),
State of Tamil Nadu,
DMS Campus, Teynampet,
Chennai. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to promote the eligible Lab Technician Grade II on completion of qualifying service of 10 years in the respondent Department and promote them as Lab Technician Grade - I, by following State-wide institution seniority as per G.O.Ms.No.22, Health and Family Welfare Department Dated 29.01.2010, instead of District-wide Institution seniority and confer all monetary benefits to them notionally with effect from the date of their eligibility for promotion.

For Petitioner

: Mr.S. Bharathy Kannan

For Respondents

: Mr. J. Padmavathy Devi
Special Government Pleader

**ORDER**

This Writ Petition has been filed, seeking to direct the respondents 1 to 4 to promote the eligible Lab Technician Grade-II on completion of qualifying service of 10 years in the respondent Department and promote them as Lab Technician Grade - I, by following State-wide institution seniority as per G.O.Ms.No.22, Health and Family Welfare Department Dated 29.01.2010, instead of District-wide Institution seniority and confer all monetary benefits to them notionally with effect from the date of their eligibility for promotion.

2. Mrs. J. Padmavathy Devi, learned Special Government Pleader Advocate takes notice for the respondents. By consent, the Writ Petition is taken up for disposal at the admission stage itself.

3. Though this petition has been filed to give a positive direction to the respondents 1 to 4, the learned counsel appearing for the petitioner submits that the petitioner will be satisfied, if a direction is issued to the respondents 1 to 4, to consider the representation of the petitioner, dated 08.03.2019, for which, the learned Special Government Pleader appearing for the respondents has no serious objection.

4. Having regard to the limited scope of the prayer, that is now sought before this Court by the learned counsel appearing for the petitioner, which has not been opposed by the learned Special Government Pleader appearing for the respondents, this Court, without expressing any opinion on the merits of the petitioner's case, directs the respondents 1 to 4 to consider the representation of the petitioner, dated 08.03.2019 on merits and in accordance with law, and pass necessary orders, within a period of eight weeks from the date of receipt of a copy of this order, after affording due opportunity of hearing to the petitioner,

5. With the above direction, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS)



trp

To

1. Secretary to Government,
Health and Family Welfare Department,
Fort. St. George,
Chennai - 600 009.

2. The Director of Medical Education,
State of Tamil Nadu,
Kilpauk, Chennai.

3. The Director of Medical Services,
State of Tamil Nadu,
Teynampet,
Chennai.

4. The Director of Medical and Rural Health Services (ESI),
State of Tamil Nadu,
DMS Campus, Teynampet,
Chennai.

+1 CC to M/s.S.BHARATHY KANNAN, Advocate
(SR-60796[F] dated 12/04/2019)

+1 CC to M/s.SPL GP (SR-60998[F] dated 15/04/2019)

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ES/06.05.2019/3P/7C