



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2019

CORAM

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P. (MD).No.12478 of 2019 and
WMP(MD).Nos.9307 and 9308 of 2019

- 1.R. Kalamohan
- 2.P. Sridharan
- 3.Kalidoss
- 4.K.M.Prabhunath
- 5.M.Kulasekarapandiyan
- 6.K.Vijayakumar
- 7.P.Jeevanantham
- 8.M.Subramani
- 9.S.Balamurugan
- 10.A.Thirunavukkarasu
- 11.R.Loganathan
- 12.D.Kalaikovan
- 13.P.M.K.Sathishkumar
- 14.M.Vedanayagi
- 15.K.Krishnakumar
- 16.P.Channauarruppan Ramo
- 17.S.Vijayashanthi
- 18.C.Rajalakshmi
- 19.M.Sudhakar
- 20.M.Malarvizhi

.. Petitioners

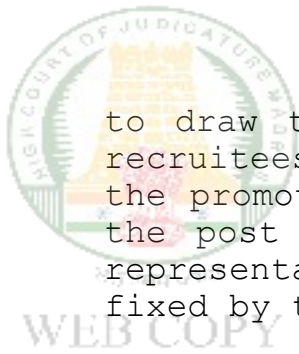
Vs.

1. The State of Tamil Nadu
rep. by its Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, St. George Fort, Chennai -9.

2. The Director of Medical and Rural Health Services,
Directorate of Medical and Rural Health Services,
Chennai - 6.

..Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents in any way effecting promotion to the post of Office Superintendent in the medical department without drawing and publishing the list of inter se seniority between direct recruitee Assistants and promotee Assistants and to direct the respondents



to draw the list of seniority in the cadre of Assistant (Direct recruitees and promotees) and published the same and procedure with the promotion by drawing a panel of Assistant fit for promotion to the post of Office Superintendent by considering the petitioners representation, dated 20.05.2019 within the period that may be fixed by this Court.

For Petitioner : Mr. C. Venkateshkumar
for M/s. Ajmal Associates
For Respondents : Mr. Aayiram K. Selvakumar
Additional Government Pleader

ORDER

This Writ Petition has been filed for forbearing the respondents in any way effecting promotion to the post of Office Superintendent in the medical department without drawing and publishing the list of inter se seniority between direct recruitee Assistants and promotee Assistants and to direct the respondents to draw the list of seniority in the cadre of Assistant (Direct recruitees and promotees) and publish the same and procedure with the promotion by drawing a panel of Assistant fit for promotion to the post of Office Superintendent by considering the petitioners representation, dated 20.05.2019 within the time frame to be fixed by this Court.

2. Even though, this petition has been filed for a larger relief, during the course of arguments, the learned counsel appearing for the petitioners restricted the prayer sought for by the petitioners and requested to consider the petitioners representation, dated 20.05.2019 and pass appropriate orders within the time frame to be fixed by this Court. He would further submit that in the mean time, the interim order granted by this Court shall be continued in force and the respondents shall not give promotion to the post of Office Superintendent for the year 2019 - 2020 without drawing and publishing the list of inter se seniority.

3. The learned Additional Government Pleader appearing for the respondents would submit that the representation of the petitioners will be considered by the respondents on merits. He would further submit that in the mean time, the respondents shall not give promotion to the post of Superintendent.

4. In the light of the aforesaid submission made by the learned Additional Government Pleader appearing for the respondents, this Court is inclined to dispose of the Writ Petition with the pass the following directions:

(i) The second respondent is directed to consider the petitioners representation, dated 20.05.2019 and pass appropriate orders on merits and in accordance with law, as expeditiously as



possible, in any event, not later than four weeks from the date of receipt of a copy of this order.

(ii) Till such final order passed in the representation, the respondents shall not effect promotion to the post of Office Superintendent in the respondent Department.

5. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)

trp

To

1. The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, St. George Fort, Chennai -9.

2. The Director of Medical and Rural Health Services,
Directorate of Medical and Rural Health Services,
Chennai - 6.

+1CC TO MR.AJMAL ASSO., Advocate Sr. No.81391

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.81501

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PK(CO)

TR (28.08.2019) 3P 5C