



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.15108 of 2014

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Punithakumar

... Petitioner

-Vs-

1.The State of Tamil Nadu,
Represented by the Principal Health Secretary to
the Government,
Secretariat, Fort St. George,
Chennai.

2.The Director of Medical Services,
Tenampet, Annasalai, Chennai.

3.The Deputy Director of Health and Family Welfare,
Office of the Deputy Director of Health
and Family Welfare,
Pudhukkottai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 to promote the petitioner as Chief Medical Officer with effect from the year 2009 by considering the representation of the petitioner dated 27.08.2014 in accordance with law within the time stipulated by this Court.

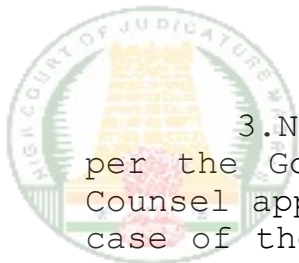
For Petitioner : Mr.M.Ajmal Khan, Senior Counsel
For M/s.Ajmal Associates.

For Respondents : Mr.S.Dhayalan,
Government Advocate.

ORDER

The relief sought for in the present Writ Petition is for a direction to direct the respondents 1 and 2 to promote the writ petitioner as Chief Medical Officer with effect from the year 2009 by considering the representation of the petitioner dated 27.08.2014.

2.The learned Senior Counsel appearing on behalf of the writ petitioner, fairly made a submission that during the relevant point of time, there was a currency of punishment.



3.No doubt, currency of punishment is a bar for promotion as per the Government Orders in force. However, the learned Senior Counsel appearing on behalf of the writ petitioner insisted that the case of the writ petitioner must be considered, after expiry of the currency of punishment.

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4.At this juncture, the learned Government Advocate appearing on behalf of the respondents submitted a panel published by the Director of Medical and Rural Health Services, Chennai in proceeding dated 28.12.2016, wherein the name of the writ petitioner was considered for promotion to the next higher post.

5.Under these circumstances, the grievance of the writ petitioner has been redressed. However, his case was not considered during the relevant period of time, on account of the currency of punishment. The decision of the authorities in considering the name of the writ petitioner, after the currency of punishment is in accordance with the Government Rules in force. Accordingly, no further consideration is required. Whenever the panel is acted upon, the writ petitioner will also get opportunity.

6.With these observations, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS-)

To

1.The Principal Health Secretary to the Government,
State of Tamil Nadu, Secretariat, Fort St. George, Chennai.

2.The Director of Medical Services,
Tenampet, Annasalai, Chennai.

3.The Deputy Director of Health and Family Welfare,
Office of the Deputy Director of Health and Family Welfare,
Pudhukkottai.

+1 CC to M/s.SPL GP (SR-77232[F] dated 24/07/2019)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate(SR-77780[F]dated 26/07/2019)

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