



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.9192 of 2011

WEB COPY

T.Poorna Chandran

... Petitioner

Vs.

The Director of Medical & Rural
Health Services,
Thenampet,
Chennai-6.

... Respondent

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to consider the petitioner for appointment to the post of Medical Store Officer by promotion for the year 2011-2012 in the light of the panel issued by the respondent in his proceedings Ref.No.25019/E5/2/2011, dated 05.06.2011 and consequently, to forbear the respondent from misusing the signature of the petitioner obtained forcibly in a printed form by considering the petitioner's representation dated 08.08.2011 within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkateshkumar
for M/s.Ajmal Associates
For Respondent : Mr.M.Jeyakumar
Additional Government Pleader

ORDER

The impugned order of rejection, dated 05.06.2011 issued by the Director of Medical & Rural Health Services, regarding the panel for promotion to the post of Medical Store Officer in the year 2011-2012, is under challenge in the present writ petition.

2.The very panel is challenged by the writ petitioner on the ground that the Higher Authority threatened him and obtained signature in the Relinquishment Form and accordingly, his name was deferred in the panel for promotion to the post of Medical Store Officer. Though the petitioner states that he was threatened by the Higher Officials, there is no proof or otherwise to establish such an allegation. If the petitioner was threatened during the relevant point of time, he would have registered a complaint or initiated appropriate action against the Officials, who threatened him. However, no such action was taken by the writ petitioner. Contrarily, he files a writ petition and setting out an allegation against the Higher Officials by stating that his signature was obtained in the Relinquishment Form for giving up the promotion.

<https://hcservices.ecourts.gov.in/hcservices/>

The petitioner admits that he signed the Relinquish Form for promotion to the post of Medical Store Officer. When the writ



petitioner had already relinquished his promotion to the post of Medical Store Officer, he cannot be considered for promotion and there is no infirmity in respect of the non inclusion of his name in the panel of Medical Store Officer for the year 2011-2012.

As per the Rules, the period of temporary relinquishment is three years. Thus, the writ petitioner is not eligible for promotion to the post of Medical Store Officer for three years from the date of relinquishment. The representation submitted by the writ petitioner on 09.08.2011 reveals that he was intending to get promotion and work in the same place of Government Rajaji Hospital at Madurai. It is apparently clear that the writ petitioner had relinquished his promotion, since no vacancy was available in Government Rajaji Hospital at Madurai. The writ petitioner was not interested to serve in some other station in the promotional post and therefore, he had relinquished his promotion during the relevant point of time. The representation reveals that the writ petitioner has accepted to serve only in the promotional post. This being the factum, this Court is not inclined to accept the bald allegations that he was threatened for the purpose of receiving the relinquishment letter. In fact, the relinquishment letter given by the writ petitioner was accepted and accordingly, his name was not considered for promotion to the post of Medical Store Officer. Thus, the non-inclusion of the name of the writ petitioner in the panel for promotional post is in consonance with the rules in force and there is no infirmity. After the period of relinquishment is over, the case of the writ petitioner is to be considered for promotion to the higher post, if he is otherwise eligible and in accordance with the rules in force.

In view of the above, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

The Director of Medical & Rural
Health Services,
Thenampet,
Chennai-6.

+1 CC to SPL GP (SR-67874[F] dated 11/06/2019)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-67928[F] dated 11/06/2019)

W.P. (MD) No. 9192 of 2011
10.06.2019