

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 22.01.2020
CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No.11819 of 2015 &
W.M.P.No.1 of 2015

Dr.V.Rani

.. Petitioner

Vs.

1. The Secretary,
Health and Family Welfare,
Govt. Siddha Medical College,
Arumbakkam, Chennai - 600 106.

2. The Special Commissioner of Indian Medicine
and Homeopathy,
Chennai - 600 106.

3. The Principal,
Government Siddha Medical College,
Arumbakkam, Chennai - 600 106.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the records on the file of the first respondent relating to the Order issued in G.O.(D) No.245 Health and Family Welfare D1 Department dated 19.02.2015 and quash the same and direct the respondent to promote the petitioner.

For Petitioner : Mr.R.Chandrasekaran

For Respondents : Mr.J.Ramesh, AGP

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O R D E R

This Writ Petition has been filed to call for the records on the file of the first respondent relating to the Order issued in G.O.(D) No.245 Health and Family Welfare D1 Department dated 19.02.2015 and quash the same and direct the respondent to promote the petitioner.

2. The writ petitioner had been appointed for the post of Assistant Lecturer in the Government Stanley Medical College Chennai in July, 2007. Subsequently, she was promoted as a Lecturer in the year 2008. The respondents, by initiating disciplinary action against the writ petitioner, have framed charges against the petitioner on 08.07.2009. After enquiry, on the basis of the report submitted by the enquiry officer, the disciplinary authority has imposed punishment of 'censure' against the petitioner on 19.02.2015 by accepting report submitted by the enquiry officer. Pursuant to the aforesaid Orders, respondents had drawn panel for promotion in the third respondent college. In the aforesaid panel, the petitioner's name was not considered for the reason that she suffered from 'censure' punishment awarded by the department. Therefore, the writ petitioner has filed the present writ petition before this Court to quash the above punishment Order passed by the respondent department. Further, it is submitted that the aforesaid censure period will be effect for a period of one year as per the Amended Rules Clause 11 of the Tamilnadu Government Servants (Conditions of Service) Act, 2016, Tamilnadu Act 14 of 2016 and the aforesaid period is also over. Therefore, the respondent may be directed to consider the petitioner for promotion and include her name in the promotion panel for the year 2016 2017.

3. The respondents have filed a detailed counter and based on the counter affidavit filed by the respondents, the learned Government Advocate submitted that a promotion panel was drawn for the year 2016-2017 and due to pendency of departmental enquiry pending against the petitioner, the name of the petitioner was not included in the promotion panel. It is further submitted that for the year 2017-2018 and 2018-2019 promotion panel was not drawn. As the petitioner was involved in another disciplinary proceedings and in the said disciplinary proceedings, Orders have been passed imposing punishment of "Stoppage of increment for one year with cumulative effect" as per the Order in G.O.(D) No.1157, Health & Family Welfare (D1) Department, dated 12.07.2017 and the name of the petitioner was not considered for promotion for the year 2016-2017 and hence, the name of the petitioner has not been included in the promotion panel for the years 2014-2015 to 2019-2020.

4. Heard the learned counsel for the writ petitioner and the learned Government Advocate for the respondents and perused the materials available on record.

5. The learned counsel for the petitioner submitted that the petitioner is eligible for promotion and her name has to be included in the promotion panel for the year 2017 - 2018. The

learned counsel for the petitioner further submitted that in view of the facts of the case, she is not challenging the punishment imposed on the petitioner and it is suffice if the name of petitioner is considered and included in the promotion panel for the year 2019-2020.

Considering the facts and circumstances of the case and recording the submission of the learned counsel for the petitioner that the petitioner is not challenging the impugned Order and she seek for consideration of her name in the promotion panel, this petition is liable to be dismissed.

7. Accordingly, this Writ Petition is dismissed with a liberty to the petitioner to give fresh a representation to the respondents to consider her for the future promotion panel to be drawn by the respondents. Consequently, connected miscellaneous petition is closed. No cost.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vrc
To

1. The Secretary,
Health and Family Welfare,
Govt. Siddha Medical College,
Arumbakkam, Chennai - 600 106.
2. The Special Commissioner of Indian Medicine
and Homeopathy,
Chennai - 600 106.
3. The Principal,
Government Siddha Medical College,
Arumbakkam, Chennai - 600 106.

+1cc to Mr.Chandrasekaran , Advocate SR.No. 4863

+1 cc to Government Pleader Sr.No. 4740

W.P. No.11819 of 2015

A.SK(26/02/2020)