

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.NO.2484 OF 2020

&

W.M.P.NO.2883 OF 2020

Mr.G.Dilish,
S/o.Late Shri K.Gnanamani,
Assistant Professor-Department of Anaesthesia,
Govt. Mohan Kumaramangalam Medical College,
Salem - 636 002. ... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep.By the Principal Secretary to Government,
Heath and Family Welfare Department,
Secretariat, Chennai - 600 009.
2. The Director of Medical Education,
No.162, EVR Periyar Salai,
Kilpauk, Chennai - 600 010. Respondents

PRAYER:

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus praying to call for the records on the file of the entire records pertaining to the proceedings of the 2nd respondent issued in Ref.No.24281/E1/5/2019 dated 24.12.2019 and G.O.(D).No.76, Heath and Family Department (A1) dated 09.01.2017 on the file of the 1st respondent and to quash the same to the limited extent for non-inclusion of the name of the petitioner in the panel for promotion to the post of Associate Professor of Anaesthesiology for the year 2016-2017 and 2019-2020 and to direct the respondents herein to include the name of the petitioner in the panel for the promotion to the post of Associate Professor for the year 2016-2017 and to promote him to the said post with effect from the date of promotion of his immediate junior with all consequential benefits including order of posting in accordance with his option, in the order of seniority.

For Petitioner : Mr.M.Ravi,

For Respondents: Mrs.Narmada Sampath
Additional Advocate General
instructed by Mr.Akhil Akbar Ali,
Government Advocate

ORDER

This matter is taken up for hearing through Video-Conferencing.

2. Heard Mr.M.Ravi, Learned Counsel for the Petitioner and Mrs.Narmada Sampath Additional Advocate General instructed by Mr.Akhil Akbar Ali, Learned Government Advocate for the respondents.

3. The petitioner challenges the recommendations for drawing up a promotion panel for the year 2020 on the ground that his name has not included. The respondents have produced an order dated 07.01.2020, bearing letter No.209/A1/2020-1, wherein, the petitioner's claim for a promotion has been rejected on the ground that he was undergoing punishment on the crucial date. This order has not been challenged by the petitioner till date.

4. Mr.Ravi, Learned Counsel appearing for the petitioner would contend that the respondents are not justified in concluding that the petitioner was undergoing punishment on the crucial date and contends that stoppage of increment for a period of one year without cumulative effect imposed on him, had expired even on 15.05.2018. I don't think that the petitioner could be allowed to raise the said plea in this Writ Petition, without challenging the order dated 07.01.2020.

5. Hence, this Writ Petition is disposed of with liberty to the petitioner to challenge the order dated 07.01.2020. It is made clear that if the petitioner successful in his challenge to the order dated 07.01.2020, he will be entitled for promotion with all monetary benefits with retrospective effect from the date on which his juniors are promoted. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

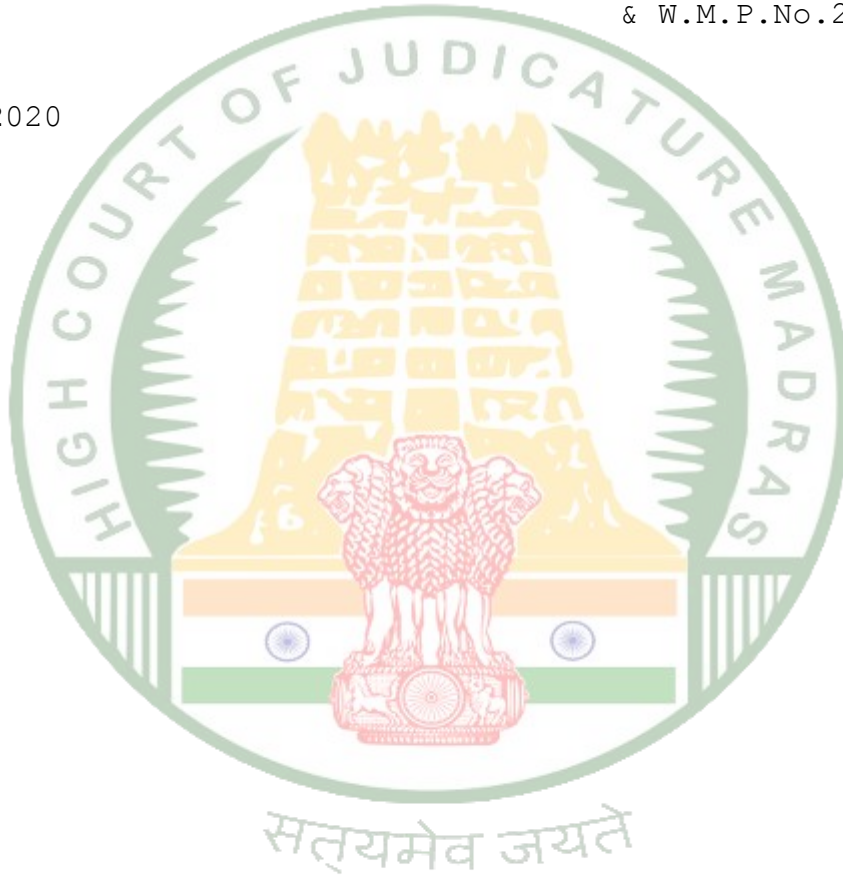
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To

1. The Principal Secretary to Government,
The Government of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Chennai - 600 009.
2. The Director of Medical Education,
No.162, EVR Periyar Salai,
Kilpauk, Chennai - 600 010.

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RJI (CO)
CS/21/07/2020



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