

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2020

CORAM

THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.No.8713 of 2020

and

W.M.P.Nos.10568 and 10569 of 2020

S.Narendran

...Petitioner

vs.

1.The Director of Medical Education,
Kilpauk, Chennai-600 010

2.The Dean,
Government Chengalpattu
Medical College,
Chengalpattu.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the entire records relating to the posting order in Ref.No.79956/E5/2019, dated 16.03.2020 passed by the first respondent and quash the same in so far as posting the petitioner as Lab Technician Grade-II at the Government Kilpauk Medical College and Hospital, Chennai in the existing vacancy and consequently direct the respondents to post the petitioner as Lab Technician Grade-II at the Government Chengalpattu Medical College, Chengalpattu.

For Petitioner : Mr.P.Mathivanan

For Respondents : Mr.S.Karthikai Balan,
Additional Government Pleader

ORDER

The matter is taken up through web hearing.

2.The writ petition is filed seeking the following prayer:

"To call for the entire records relating to
the posting order in Ref.No.79956/E5/2019, dated

16.03.2020 passed by the first respondent and quash the same in so far as posting the petitioner as Lab Technician Grade-II at the Government Kilpauk Medical College and Hospital, Chennai in the existing vacancy and consequently direct the respondents to post the petitioner as Lab Technician Grade-II at the Government Chengalpattu Medical College, Chengalpattu".

3.The petitioner was working as a Lab Technician Gr.II in the Government Chengalpattu Medical College, Chengalpattu. A criminal case was registered against him while he was in service and he was placed under suspension with effect from 16.10.2002. Subsequently, the criminal case ended in acquittal by judgment dated 13.08.2019.

4.Thereafter, the petitioner made a request to the second respondent to reinstate him in service as Grade-II Lab Technician, at the Government Chengalpattu Medical College, Chengalpattu. The second respondent, by his proceedings dated 25.05.2020 revoked the order of suspension with immediate effect. Pursuant thereto, the first respondent, vide his proceedings dated 16.03.2020, issued posting order, posting the petitioner as Lab Technician Gr.II at the Government Kilpauk Medical College and Hospital, Chennai. The said proceeding is under challenge in this Writ Petition.

5.The grievance of the petitioner is that, if he is posted at Kilpauk Medical College and Hospital at Chennai, he may become junior most in the Station seniority at Chennai and his right to further promotion will get affected. Therefore, the petitioner is questioning the very posting order itself in this writ petition.

6.This Court is unable to appreciate as to how the petitioner can question the posting order itself when the posting order is in pursuance of the revocation order of the suspension dated 25.02.2020. The issue whether the petitioner will be assigned a different seniority in the new station where he is posted now is not to be mixed up with the posting order.

7.In case, the petitioner has any grievance about assignment of seniority against his interest, it is always open to him to workout his remedies at that point of time. The writ petition appears to be speculative litigation, as no specific cause of action has arisen in respect of the so called grievance

projected by the petitioner. On the whole, the writ petition appears to be misconceived and cannot be sustained at this stage. Hence, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrm/msk

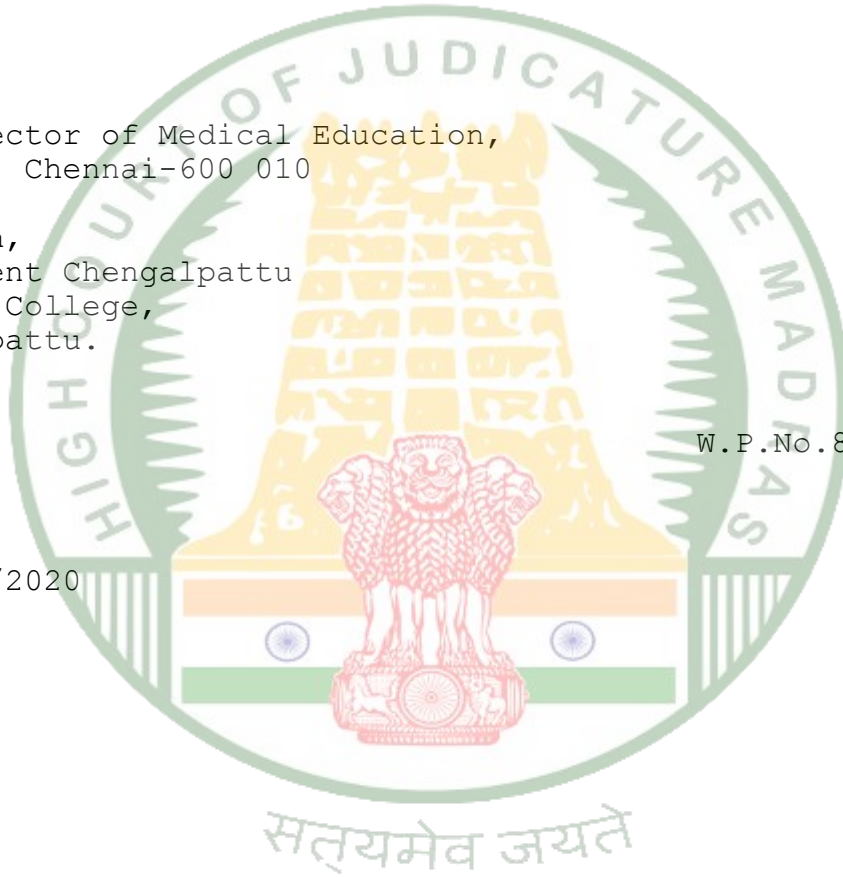
To

1.The Director of Medical Education,
Kilpauk, Chennai-600 010

2.The Dean,
Government Chengalpattu
Medical College,
Chengalpattu.

W.P.No.8713 of 2020

SSV(CO)
KKV/17/08/2020



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