



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **21.01.2020**

CORAM:

THE HONOURABLE **MR. JUSTICE M. S. RAMESH**

W.P.(MD) No.1037 of 2020

Dr.S.N.Mohan

... Petitioner

/vs./

1.The Secretary to Government,
Health and Family Welfare (K2) Department,
Secretariat, Chennai-600 009.

2.The Joint Director of Health Services,
Dr.Muthulakshmi Memorial Government District,
Headquarters Hospital.
Pudukottai, Pudukottai District.

... Respondents

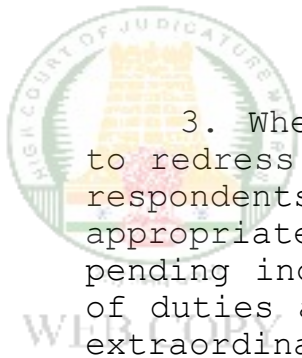
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the 1st respondent i.e., the Secretary to Government, Health and Family Welfare (K2) Department, Chennai to pass appropriate orders on the petitioner's representation dated 30.09.2019 regarding inclusion of his name in the post of senior Civil Surgeon (SCS) of the year 2008, Chief Civil Surgeon (CCS) of the year 2009 and other promotions on par with his junior and he may be notionally promoted and revised pension proposals may be sent on par with his junior Dr.M.Balachandran within a specified time frame, that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam
For Respondents : Mr.M.Karuppasamy
Government Advocate

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. The limited prayer sought for the petitioner is that to consider the representation dated 30.09.2019 seeking to inclusion of his name in the post of senior Civil Surgeon (SCS) of the year 2008, Chief Civil Surgeon (CCS) of the year 2009 and other promotions on par with his junior and he may be notionally promoted and revised pension proposals may be sent on par with his junior Dr.M.Balachandran.



3. Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within the stipulated time.

4. In view of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation, dated 30.09.2019, on its own merits and pass appropriate orders within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioner in his representation and it is for the first respondent to consider it in accordance with law.

5. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To:

1.The Secretary to Government,
Health and Family Welfare (K2) Department,
Secretariat, Chennai-600 009.

2.The Joint Director of Health Services,
Dr.Muthulakshmi Memorial Government District,
Headquarters Hospital.
Pudukottai, Pudukottai District.

+1 CC to M/s.S.VISVALINGAM, Advocate (SR-2193[F] dated 21/01/2020)

+1 CC to M/s.Special Govt.Pleader (SR-2347[F] dated 22/01/2020)

Order made in
W.P.(MD)No.1037 of 2020
21.01.2020

cp
SDS(03.02.2020) 2P-5C