



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P. (MD)No.9311 of 2020

and

W.M.P (MD) No.8480 of 2020

M.Singaravel

... Petitioner

Vs.

1.The Secretary to the Government of Tamilnadu,
Health and Family Welfare Department,
Fort St.George, Chennai-9.

2.The Director of Public Health and
Preventive Medicine,
Teynampet, Chennai-6.

... Respondents

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 04.07.2019 and remainder dated 26.05.2020 and to conduct promotion counseling to the post of Non Medical Supervisor and Block Health Supervisor posts in Tamil Nadu Public Health Subordinate Service within a stipulated time may be fixed by this Court and promote the petitioner to the post of Non Medical Supervisor or Block Health Supervisor in the Tamil Nadu Public Health Subordinate Services based on his seniority.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.K.P.Narayanakumar
Special Government Pleader

O R D E R

This writ petition has been filed to direct the respondents to consider the petitioner's representation dated 04.07.2019 and remainder dated 26.05.2020 and to conduct promotion counseling to the post of Non Medical Supervisor and Block Health Supervisor posts in Tamil Nadu Public Health Subordinate Service within a stipulated time may be fixed by this Court and promote the petitioner to the post of Non Medical Supervisor or Block Health Supervisor in the Tamil Nadu Public Health Subordinate Services based on his seniority.



2.The learned counsel appearing for the petitioner would submit that the petitioner was initially appointed as Leprosy Inspector on 30.05.1991 and subsequently, he was promoted as Health Inspector on 01.08.1997. Thereafter, as per the judgment of the Hon'ble Apex Court, the respondents issued the state wide seniority and fixed petitioner's seniority in Seniority No.5885. Once again, the ineligible person was filed the writ petition in W.P. No.37294 of 2015 and 1764 of 2016, with an intention to defeat the petitioner and his colleagues' promotional rights. By showing the pendency of the writ petition, the respondents have not conducted the promotional counseling and the said writ petition was dismissed on 05.06.2017. Against which, the writ appeal was also filed in W.A.No.748 and 749 of 2017 and the same was also dismissed by the Hon'ble Division Bench of this Court on 30.08.2019. Thereafter, the second respondent issued a panel in his proceedings dated 14.02.2020 for the year 2019-2020 and the petitioner's name was included in the panel list in Serial No.215. But the second respondent has not conducted the promotion counseling without assigning any reasons. In this regard, the petitioner made detailed representations on 04.07.2019 and 26.05.2020 requesting the respondents to conduct promotion counseling and issue promotion order as per the seniority fixed by the Department. However, the respondents have not taken any steps till date. Hence, without any other options, the petitioner approached this Court for appropriate reliefs.

3.The learned Special Government Pleader appearing for the respondents would fairly submit that the petitioner's name was included in the promotion panel list and appropriate directions may be issued to dispose of the petitioner's representation.

4.In view of the submissions made by the learned counsel appearing on either side, this Court directs the respondents to consider the petitioner's representations dated 04.07.2019 and 26.05.2020 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order on merits and in accordance with law.

5.With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:-

1.The Secretary to the Government of Tamilnadu,
Health and Family Welfare Department,
Fort St.George, Chennai-9.

2.The Director of Public Health and
Preventive Medicine,
Teynampet, Chennai-6.

+1 CC to M/s.M.SARAVANA KUMAR, Advocate (SR-26105[F] dated
18/12/2020)

+1 CC to M/s.GP (SR-26226[F] dated 18/12/2020)

W.P. (MD)No.9311 of 2020
and
W.M.P (MD) No.8480 of 2020
16.12.2020

SJ(CO)
TR(21.12.2020) 3P 5C