



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 16.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE **N.KIRUBAKARAN**

AND

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.A. (MD) No.1113 of 2020

and

C.M.P. (MD) No.6106 of 2020

C.Christopher Selvadoss : Appellant

Vs.

1.The Director,

Department of Public Health and Preventive Medicine,
Chennai - 600 006.

2.The Deputy Director, Health Services, Thoothukudi.

3.The Block Medical Officer,

Government Primary Health Centre, Mudalur - 628 702,
Thoothukudi District. : Respondents

PRAYER: Appeal filed under Clause 15 of the Letters Patent challenging the order dated 02.11.2020, made in W.P.(MD) No.1666 of 2014.

Prayer in WP(MD). 1666/ 2014 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings in R.NO. 134452/MP.1/S3/2007 dated 10.01.2014 of the 1st Respondent and quash the same and direct the Respondents to promote the petitioner as Health Inspector Grade I with effect from 03.02.2013 with all other attendant benefits.

For Appellant : Mr.G.Prabhu Rajadurai
For Respondents : Mr.M.Muthugeethaiyan,
Special Government Pleader

JUDGMENT

(Judgment of the Court was delivered by **B.PUGALENDHI, J.**)

This writ appeal is filed by the appellant / petitioner as against the order passed by the learned Single Judge in W.P.(MD) No.1666 of 2014, dated 02.11.2020.

2. The said writ petition was filed by the appellant / petitioner challenging the order dated 10.01.2014 cancelling his promotion as Health Inspector Grade - I, which was granted temporarily, on the ground that without issuing any show cause notice or opportunity, the temporary promotion was cancelled. The learned Single Judge has held that the temporary promotions are granted under Rule 39(a)(i) of the Tamil Nadu State and Subordinate



Services Rules to meet out the exigencies, which would not confer any right to seek regular promotions and that being the scope of temporary promotions under the said Rule, no prior opportunity or show cause notice is required for the cancellation of such promotions. Aggrieved over the same, the appellant / writ petitioner has preferred the instant appeal.

3. When the matter is taken up for hearing today, the learned Counsel for the appellant / writ petitioner submitted that the only grievance of the appellant is that pending the writ petition, two of his Juniors were promoted as Health Inspector Grade - I, superseding him and therefore, prayed for appropriate orders.

4. This Court is of the view that if the appellant / writ petitioner is aggrieved with reference to the promotion to his Juniors in violation of the rules, if any, he has to question the same in the manner known to law.

5. In such view of the matter, this writ appeal is dismissed, with liberty to the appellant / petitioner to work out his remedy in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gk

To

1.The Director,

Department of Public Health and Preventive Medicine,
Chennai - 600 006.

2.The Deputy Director, Health Services, Thoothukudi.

3.The Block Medical Officer,

Government Primary Health Centre,
Mudalur - 628 702, Thoothukudi District.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-25977[F] dated 17/12/2020)

+1 CC to M/s.GP (SR-26081[F] dated 17/12/2020)

W.A. (MD) No.1113 of 2020

and

C.M.P. (MD) No.6106 of 2020

16.12.2020

PM(CO)

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