

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5756 of 2021

G.Prabhu

... Petitioner

-vs-

1. The Secretary to Government,
Department of Public Health and Family Planning,
Secretariat, Fort St. George,
Chennai - 600 009.

2. The Director of Public Health and Preventive Medicine,
Teynampet,
Chennai - 600 006.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 2nd respondent to promote the petitioner to the post of Non-Medical Supervisor in pursuance to the proceedings of the 2nd respondent in R.No.3232/MP/IV/S1/2019 dated 14.02.2020 and by considering the petitioner's representation dated 20.02.2021 and may pass such other or further orders as this Court deem fit and property to the facts and circumstances of the case.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.P.V.Selvakumar,
Additional Government Pleader
for R1
Mr.J.Pothiraj,
Special Government Pleader
for R2.

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O R D E R

This Writ petition is filed, seeking a direction to the 2nd respondent to promote the petitioner to the post of Non-Medical Supervisor in pursuance to the proceedings of the 2nd respondent in R.No.3232/MP.IV/S1/2019 dated 14.02.2020 and by considering the petitioner's representation dated 20.02.2021.

2. Mr.P.V.Selvakumar, learned Additional Government Pleader takes notice for the first respondent and Mr.J.Pothiraj, learned Special Government Pleader, takes notice for the second respondent.

3. It is the case of the petitioner that he joined the service in the post of Leprosy Inspector on 12.05.1989. Thereafter he was working as Health Inspector Grade - IB under the 2nd respondent from 01.08.1997. While this being so, temporarily the petitioner was transferred to Food Safety and Drug Administration Department on 23.09.2011. Thereafter again the petitioner was transferred back to the 2nd respondent department on 24.07.2018. The petitioner has been working without getting promotion for the past 31 years of his service. The petitioner sent a representation to the 2nd respondent on 21.08.2019 to consider his service for the promotion of Non-Medical Supervisor. While this being so, the 2nd respondent vide his proceedings in R.No.3232/MP.IV/S1/2019 dated 14.02.2020 passed an order of seniority for the panel 2019-2020 for promotion to the post of Non-Medical Supervisor (NMS) in Tamil Nadu Public Sub-ordinate Service. Further the petitioner name was placed under SI.No.135 and Seniority No.5748. The seniority panel was published by the 2nd respondent on 14.02.2020, thereafter, the delay to promote to the said post was unjust. Further the petitioner has a legitimate right to be promoted, hence he gave a representation on 20.02.2021 to the respondents to finalize the promotion panel and to issue the order of promotion but no action was taken by the respondents. Hence the present writ petition has been filed.

4. Considering the facts and circumstances of this case, if the Petitioner's application is already pending with the authorities concerned and, not disposed of earlier, this Court directs the respondent concerned to consider the representation of the petitioner dated 20.02.2021, if he is otherwise eligible and pass appropriate orders, in accordance with law as expeditiously as possible, preferably within a period of 60 days from the date of receipt of a copy of this order.

5. The petitioner shall furnish his phone number, email ID, if any, etc., along with a copy of the representation dated 20.02.2021 and this order, to the respondent concerned forthwith. The respondent concerned is directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the parties to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the parties, they will have to face the civil imprisonment in case of contempt proceedings and, if they are unable to serve the order and the cover being returned un-served for one reason or the

other, the same shall be kept in the file without opening it for the proof of attempt of delivery, so that the parties, at a later point of time, will not take a plea that he is not aware of the order.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

KMM

To

1. The Secretary to Government,
Department of Public Health and Family Planning,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Director of Public Health and Preventive Medicine,
Teynampet,
Chennai - 600 006.

+1cc to Mr.Jayaprakash, Advocate, S.R.No. 14952

W.P.No.5756 of 2021

MG (CO)
TE (17/04/2021)

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