



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2021

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.24078 of 2018
and
W.M.P.No.28059 of 2018

(Through Video Conferencing)

Dr.C.Amarnath

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Health and Family Welfare Department,
Fort St.George,
Chennai - 600 009.

2.The Director of Medical Education,
Kilpauk Medical College Campus,
Kilpauk, Chennai - 600 010.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, to direct the respondents herein to promote the petitioner to the post of Professor of Radio Diagnosis and place him in the Pay Band IV in terms of G.O.Ms.No.66, Health and Family Welfare (A-1) Department, dated 19.02.2016 with retrospective effect from the year 2014 when he became eligible for promotion to the post of Professor of Radio Diagnosis in the available vacancy at the Government Stanley Medical College, Chennai.

For Petitioner : Mr.K.Sridhar

For Respondents: Mr.L.S.M.Hasan Fizal, Govt. Adv.

O R D E R

This Writ Petition has been filed for issuance of a Writ of Mandamus, to direct the respondents herein to promote the petitioner to the post of Professor of Radio Diagnosis and place him in the Pay Band IV in terms of G.O.Ms.No.66, Health and Family Welfare (A-1) Department, dated 19.02.2016 with retrospective effect from the year 2014 when he became eligible for promotion to the post of Professor of Radio Diagnosis in the available vacancy at the Government Stanley Medical College, Chennai.



2. The petitioner claims the benefit of G.O.Ms.No.66, Health and Family Welfare (A-1) Department, dated 19.02.2016. The learned counsel for the petitioner submits that the petitioner was promoted as Associate Professor on 03.05.2011 and was promoted as Professor of Radio Diagnosis in the year 2019 after this Writ Petition was filed. It is submitted that as per the said G.O.Ms.No.66, Health and Family Welfare (A-1) Department, dated 19.02.2016, the petitioner was entitled to be promoted as Professor of Radio Diagnosis with effect from 2014. The learned counsel for the petitioner drawn attention to the paragraph No.7 of the said G.O.Ms.No.66, Health and Family Welfare (A-1) Department, dated 19.02.2016 which reads as under:-

7. The Government have examined the request of the Director of Medical Education based on the announcement of the Hon'ble Chief Minister and decided to permit the Director of Medical Education to issue the redesignation orders immediately to the 157 Associate Professors out of 267 posts of Professors available in various specialities those who have already in Pay Band-IV as Professors, as it does not require any financial implications. Accordingly, the Government do and hereby direct that the Director of Medical Education be permitted to issue the redesignation orders immediately to the 157 Associate Professors out of 267 posts of Professors available in various specialities, who were already completed 20 years of service in Tamil Nadu Medical Service with Pay Band IV.

3. It is further case of the petitioner that the petitioner sent a representation dated 06.10.2017 to the first respondent. The learned counsel for the petitioner submits that the respondents have also issued G.O.Ms.No.387, Health and Family Welfare (A1) Department, dated 03.09.2018, wherein, the juniors of the petitioner were promoted as Professor of Radio Diagnosis. However, the petitioner has not been considered as per G.O.Ms.No.66, Health and Family Welfare (A-1) Department, dated 19.02.2016.

4. The respondents have not promoted the petitioner in the year 2014 or passed any order on the representation dated 06.10.2017 of the petitioner even though a representation was made out case for grant of promotion in terms of G.O.Ms.No.66, Health and Family Welfare (A-1) Department, dated 19.02.2016.

5. Considering the above, this Court is inclined to dispose this Writ Petition by directing the first respondent to consider the representation dated 06.10.2017 of the petitioner as to whether the petitioner would be entitled to be promoted as Professor of Radio Diagnosis with effect from



2014 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. No cost. Consequently, connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary,
Health and Family Welfare Department,
The State of Tamil Nadu,
Fort St.George,
Chennai - 600 009.

2.The Director of Medical Education,
Kilpauk Medical College Campus,
Kilpauk, Chennai - 600 010.

+1 cc to Government Pleader Sr.NO. 46848

+1 cc to Mr.K.Sridhar, Advocate Sr.NO. 46410

W.P.No.24078 of 2018 and

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A.SK(11.10.2021)