



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:17.03.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.21151 of 2017

and

W.M.P(MD)No.17414 of 2017

U.Jeyaselvan

... Petitioner

Vs.

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

2.The Director of Medical and
Rural Health Services,
Teynampet, Chennai-600 006.

3.The Joint Director of Medical and Rural Health Services,
Sivagangai District,
Sivagangai.

4.The Dean,
Madurai Government Rajaji Hospital,
Madurai-625 020

5.The Director of Medical Education,
Kilpauk, Chennai-600 010.
(R5 impleaded vide order dated
17.03.2021 in W.M.P(MD)No.7120 of 2019)

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to post the petitioner as ECG Technician in 4th respondent's Hospital in the existing vacancy by way of transfer of service in the light of the order issued by the 1st respondent in Letter No.22849/J2/2016-5, dated 22.06.2017 within a stipulated time may be fixed by this Court.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.M.Muthugeethayan
Special Government Pleader



O R D E R

This writ petition is filed for a direction to the respondents to post the petitioner as ECG Technician in fourth respondent's Hospital in the existing vacancy, by way of transfer of service, in the light of the order issued by the first respondent in Letter No.22849/J2/2016-5, dated 22.06.2017.

2.The case of the petitioner is that he was appointed as Hospital Worker on 17.06.1991 by the third respondent and he joined in the Government Hospital at Singampunari, Sivagangai District on 22.06.1991. Thereafter, the petitioner's service was regularized on 18.03.2013 and he is eligible to be promoted as ECG Technician in the fourth respondent hospital. While so, the petitioner was selected under service quota to the Certificate Courses of ECG / Tread-mill Technician in 2011-2012 by the Board of Para Medical Education, King Institute of Preventive Medicine and Research, Guindy, Chennai and thereby, the Medical Officer, Singampunari, relieved the petitioner from duty enabling him to complete the said course. After completion of the said course, the petitioner has made a representation, dated 29.01.2013 to the third respondent requesting that he may be accommodated in any one of ECG Technician vacant post either in Medical Department or under the control of the fourth respondent Hospital. Again the petitioner has made a representation to the Medical Officer, Singampunari and the same was forwarded to the fourth respondent, who is the competent authority to pass necessary orders on the petitioner's representation. Since no order has been passed, the petitioner has filed a writ petition before this Court in W.P(MD)No.14805 of 2015. This Court by order, dated 19.08.2015 directed the second respondent to consider the recommendation made by the third respondent in letter, dated 30.08.2013. Even after passing of an order by this Court, the fourth respondent has not considered the petitioner's case. Hence, the present writ petition is filed.

3.The learned counsel appearing for the petitioner submitted that the Government issued a letter dated 22.06.2017 to the first respondent with regard to the method of appointments for the post of ECG Technician and hence, this Court may issue a direction to the third and fifth respondents to consider the petitioner's representation, dated 08.09.2017, in the light of the first respondent's letter, dated 22.06.2017, within the reasonable time as stipulated by this Court.

4.The learned Special Government Pleader appearing for the respondents has no serious objection for considering the petitioner's representation.

5.Considering the limited request made by the learned counsel for the petitioner, this Court directs the third and fifth respondents to consider the petitioner's representation, dated



08.09.2017, and pass appropriate orders on merits and in accordance with law and in the light of the order passed by the first respondent dated 22.06.2017, within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS-III)

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/ /2021

Sub Assistant Registrar(CS)

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To

1. The Principal Secretary to Government,
Government of Tamil Nadu,
Health and Family Welfare Department,
Chennai-600 009.
2. The Director of Medical and
Rural Health Services,
Teynampet, Chennai-600 006.
3. The Joint Director of Medical and Rural Health Services,
Sivagangai District,
Sivagangai.
4. The Dean,
Madurai Government Rajaji Hospital,
Madurai-625 020
5. The Director of Medical Education,
Kilpauk, Chennai-600 010.

+1 CC to M/s.SPL GP (SR-12180[F] dated 18/03/2021)
+1 CC to M/s.M.SARAVANA KUMAR, Advocate (SR-12381[F] dated
19/03/2021)

W.P. (MD)No.21151 of 2017

and

W.M.P (MD)No.17414 of 2017

17.03.2021

mj (CO)

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