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W.P.No.10253 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.12.2022

Coram

The HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.No.10253 of 2020

Dr.E.Prabhu

.. Petitioner

Vs

1.The Health Secretary to the Government,
Health and Family Welfare Department,
Government of Tamil Nadu, Secretariat,
Fort St.George, Chennai – 600 009.

2.The Director of Medical Education,
Government of Tamil Nadu,
Poonamallee High Road, Kilpauk,
Chennai – 600 010.

3.The Dean,
Madras Medical College,
Chennai – 600 003.

4.The Director,
Tamil Nadu Government Multi Super Speciality Hospital,
Omandurar Govt. Estate,
Chennai – 600 003.

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying to issue a writ of certiorarified mandamus calling for the
records of the second respondent made in proceedings
Ref.No.16114/E1/2/2020 dated 23.03.2020 and quash the same and



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consequently directing the respondents to post the petitioner as Senior Consultant in Tamil Nadu Government Multi Super Speciality Hospital with appropriate pay and allowance as per G.O.Ms.No.223 dated 31.07.2014 issued by the 1st respondent.

For Petitioner : Mr.A.Veerasamy
For Respondents : Mr.Stalin Abimanyu
Additional Government Pleader

ORDER

The grievance of the petitioner in this writ petition is that under the impugned order dated 23.03.2020 passed by the second respondent, he has been reverted back to the post of Junior Consultant, despite the fact that his services as Senior Consultant was regularised by the first respondent by order dated 02.01.2020.

2. As per the impugned order, the petitioner is not entitled to be appointed as Senior Consultant (Nuclear Medicine) due to the following reasons:

*(a) There is no sanction of post as Senior Consultant
(Nuclear Medicine).*



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(b) The earlier order which the petitioner relies upon to substantiate his claim that he was appointed to the post of Senior Consultant (Nuclear Medicine) is only a deputation order.

(c) The petitioner has been working as Junior Consultant (Nuclear Medicine) from 2019 onwards and the order dated 15.11.2019 has not been complied with by the petitioner and therefore the present writ petition challenging the impugned order dated 23.03.2020 is not maintainable.

3. Learned counsel for the petitioner would now submit, on instructions, that the petitioner will be satisfied if he is allowed to give a representation to the first respondent, who had earlier passed the order regularising the services of the petitioner as Senior Consultant (Nuclear Medicine) to reconsider the petitioner's case seeking for cancellation of the impugned order dated 23.03.2020 which is the subject matter of this writ petition and grant him appointment as Senior Consultant either in the Nuclear Medicine Department or in any other Department and the said representation is considered on merits and in accordance with law by the first



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respondent.

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4. No prejudice would be caused to the respondents if such a direction is issued by this Court.

5. This Court is not expressing any opinion on the merits of the petitioner's claim. It is for the first respondent to consider the same on merits and in accordance with law.

6. For the foregoing reasons, this Court directs the petitioner to submit a representation to the first respondent within a period of two weeks from the date of receipt of a copy of this order requesting the first respondent to appoint him as Senior Consultant (Nuclear Medicine) or in any other Department and on receipt of the said representation, the first respondent shall pass final orders on merits and in accordance with law within a period of twelve weeks thereafter.

7. With the aforesaid direction, the writ petition stands disposed of. No costs.



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Index:Yes/No
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To

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ABDUL QUDDHOSE,J.

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