



WP(MD)No.13968 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.07.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE G.CHANDRASEKHARAN**

W.P.(MD)No.13968 of 2022
and
W.M.P.(MD)No.9937 of 2022

R.V.Ramganesha

... Petitioner

/vs./

1.State of Tamilnadu,
Represented by its Director,
The Directorate of Medical Education,
Kilpauk, Chennai – 600 010.

2.The Dean,
Madurai Rajaji Government Hospital,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents to promote the Petitioner as a Sergeant with the 2nd Respondent Hospital by considering the Petitioner's representation dated 08.06.2022 within the time period stipulated by this Court.



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For Petitioner : Mr.V.Malaiyendran

For Respondents : Mr.M.Siddharthan

Additional Government Pleader

ORDER

This petition has been filed for issuance of a Writ of Mandamus, seeking for a direction to the respondents to promote the Petitioner as a Sergeant with the 2nd Respondent Hospital by considering the Petitioner's representation dated 08.06.2022.

2.Heard Mr.V.Malaiyendran, learned counsel appearing for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader, who takes notice for the respondents.

3.The learned counsel appearing for the petitioner submitted that the petitioner was appointed as Operation Theatre Assistant in Government Medical College, Theni, on a temporary basis and his service was regularized from 14.09.2006. The post of Sergeant with the second respondent hospital arose vacant during the month of March, 2020. The petitioner was appointed as



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Sergeant on 11.03.2020 and working in the said post for more than two years.

Then he was relieved from the post on 20.05.2022, again he was appointed in the post of Operation Theatre Assistant, as per order of the second respondent dated 13.05.2022. It is the claim of the petitioner that there is a post of Sergeant, vacant with the second respondent and the petitioner is eligible to be appointed in the said post. The petitioner submitted a representation dated 08.06.2022 to promote him as Sergeant with the second respondent hospital. No order has been passed on his representation. Therefore, this petition.

4.Per contra, learned Additional Government Pleader appearing for the respondents submitted that there is a charge under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955, pending against the petitioner for his unauthorized absence. That apart, there is also a cheating case pending against him on the allegation that he received money on the promise of getting government job and the names of the persons, those who lost money are Mrs.Kavitha, Mrs.Sudha, Mr.C.Vellaipandi and Mrs.Revathy.



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5. It is further submitted by the learned Additional Government Pleader appearing for the respondents that since serious charges are levelled against the petitioner and are pending, the claim of the petitioner for being appointed in the post of Sergeant cannot be sustained.

6. Considering the facts and circumstances of the case and the submission made by the learned Additional Government Pleader appearing for the respondents that the petitioner is facing 17(b) charge for unauthorized absence, and that there is also a criminal case of cheating pending against him, the prayer for considering the representation of the petitioner cannot be entertained at this stage. Hence, this Court finds that there is no merits in this petition. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No
Internet : Yes / No
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G.CHANDRASEKHARAN, J.

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Order made in
W.P.(MD)No.13968 of 2022

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