



W.P.(MD)No.11445 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.11445 of 2015

and

M.P(MD)No.2 of 2015

Govindaraj

... Petitioner

Vs.

- 1.The Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Chennai.
- 2.The Director,
Medical and Rural Health Services,
DMS Complex,
Teynapet,
Chennai.
- 3.The Joint Director,
Medical and Rural Health Services,
Viruthunagar.
- 4.Manivannan,
Office Superintendent,
Peripeharal Government TB Hospital,
Otteri-Ayanavaram, Chennai.



W.P.(MD)No.11445 of 2015

WEB COPY

5.V.Nandhagopal,
Office Superintendent,
Thiruvarur Medical College Hospital,
Thiruvarur.

6.J.Renuka Devi,
Office Superintendent,
Government Hospital,
Rajapalayam,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Certiorari*, calling for the records relating to the proceedings of the 2nd Respondent made in Ref.No:16498/E2/3/2015 dated 03.07.2015 and quash the same.

For Petitioner : Mr.R.Murali

For Respondent : Mr.M.Lingadurai
Special Government Pleader
for R-1 to R-3

Mr.S.Deenadhayalan for R-5

No appearance for R-4 and R-6

ORDER

This writ petition is filed to quash the impugned order, dated
03.07.2015.



W.P.(MD)No.11445 of 2015

WEB COPY

2. Heard Mr.R.Murali, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader appearing for respondents 1 to 3 and Mr.S.Deenadhayalan, learned counsel appearing for 5th respondent. Perused the material documents available on record.

3. The contention of the petitioner is that he was originally appointed as Section Writer in the year 1984 under daily wage basis. The 1st respondent through G.O.Ms.No.1257, dated 08.10.2013 regularized the service of the petitioner with effect from 17.12.1997. Thereafter, based on seniority, he became Assistant and joined on 01.11.2006. The next avenue for promotion is Superintendent. The seniority is state wide and hence, the 2nd respondent has to draw panel, but the petitioner came to know that the subordinates of the 2nd respondent are preparing wrong panel by omitting eligible persons. Hence, the petitioner has submitted a representation, dated 03.12.2013. The respondents have sought particulars, vide proceedings, dated 19.03.2015 to prepare tentative list in which the petitioner's name was placed in Serial No.314 and the Seniority No. 1076. But according to the petitioner, the petitioners who joined along with him in Survey department was regularized along with the petitioner on 17.12.1997,



W.P.(MD)No.11445 of 2015

WEB COPY

namely K.Rajathi and K.Kurusamy are placed in Seniority Nos.792A and 792B, respectively. The petitioner is not aggrieved by the seniority fixed to those persons, but the petitioner is aggrieved the same should have been extended to the petitioner as well. Hence, the present writ petition is filed.

4. The respondents have filed Counter, since there was no clarity in the counter, this Court directed the respondents to file additional counter to submit the details of the service particulars of the petitioner and the said K.Rajathi and K.Kurusamy. The same was extracted hereunder:

Details	Tmt.K.Rajathi	Thiru.K.Gurusamy	Thiru.Govindaraj revised seniority no.792A/2010a
DOB	18.02.1960	16.05.1958	21.03.1959
Date of completion of Probation	28.12.1999 vide G.O (3D)No.81 H&FW (AA2), Dated 14.11.05	28.05.2000 Vide G.O(3D) No.71 H&FW (AA2) dated 07.10.05	Date 28.12.2004 Vide G.O(3D) No.102, H&FW (AA2) Dated 14.11.05
Date of Passing of Tamil Nadu Medical Code	Dec 1999	May 2000	Dec 2004
Period of Foundational training at Bhavanisagar	10.09.2004 to 08.11.2004	10.09.2004 to 08.11.2004	10.09.2004 to 08.11.2004
Date of Passing of Account Test for Sub-ordinate Officers Part-I	May 2002	Dec 2001	May 2004



W.P.(MD)No.11445 of 2015

WEB COPY

Promoted as assistant in the Panel Year	2005-2006 (old seniority no.1070/Asst/2010)	2005-2006 (old seniority no. 1075/Asst/2010)	2005-2006 (sen no. 1076/Asst/2010)
Seniority revision in the post of Assistant	2002-2003 (revised seniority no.792A/2010)	2002-2003 (revised seniority no.792B/2010)	Does not arise

5. It is seen that the petitioner has completed probation in the year 2004, completed departmental test in the year 2004. But the said Rajathi had completed probation in the year 1999 and completed departmental test in the year 1999 and 2002. Likewise the said Gurusamy had completed probation in the year 2000 and completed departmental test in the year 2000 and 2001. Admittedly the petitioner had completed later on and hence he cannot compare with the said two persons. In view of the above, this Court is convinced about the reasons stated in the additional counter statement filed by the respondents. Since the petitioner is junior to those persons, the claim of the petitioner is not sustainable.

6. Accordingly, this Writ Petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No

27.04.2023



W.P.(MD)No.11445 of 2015

WEB COPY

Internet : Yes
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W.P.(MD)No.11445 of 2015

WEB COPY

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W.P.(MD)No.11445 of 2015

S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No. 11445 of 2015**

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