



W.P.No.8681 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.03.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.8681 of 2021 and
W.M.P.No.9217 of 2021

N.Dhandapani

... Petitioner

Vs.

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

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

3.The Director of Medical Education,
No.162, EVR Periyar Salai,
Kilpauk, Chennai 600 010.

4.The Dean,
Rajiv Gandhi Government General Hospital,
Chennai 600 003.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to include the name of the petitioner in the panel for promotion to the post of Junior



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Administrative Officer for the year 2020-21 by taking into account that there was no charge sheet pending against the petitioner on the crucial date and consequently, direct the respondents to promote the petitioner to the post of Junior Administrative Officer on the day when his junior was promoted with all monetary and service benefits.

For Petitioner : Ms.Suneetha
For Respondents : Mr.E.Sundaram, GA

ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the respondents to include the name of the petitioner in the panel for promotion to the post of Junior Administrative Officer for the year 2020-21 by taking into account that there was no charge sheet pending against the petitioner on the crucial date and consequently, direct the respondents to promote the petitioner to the post of Junior Administrative Officer on the day when his junior was promoted with all monetary and service benefits.

2. Heard Ms.Suneetha, learned counsel for the petitioner and Mr.E.Sundaram, learned Government Advocate for the respondents.



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3. The petitioner was initially appointed as Typist on 10.06.1992 and now he is working as Superintendent in the Rajiv Gandhi Government General Hospital.

4. The learned counsel for the petitioner submitted that the crucial date for preparing the promotion panel for the year 2020-21 is 01.09.2019. As on 01.09.2019, there is no charge pending against the petitioner and a charge sheet had been filed against the petitioner in the criminal case only on 27.11.2020. So it is claimed by the petitioner that his name ought to have been included in the panel for the year 2020-21. The fourth respondent has addressed a letter to the second respondent on 05.01.2021 to include the name of the petitioner in the promotion panel for the year 2020-21 for the post of Junior Administrative Officer.

5. However, the learned Government Advocate for the respondents submitted that in view of the pending criminal charges, the petitioner cannot be considered for promotion. Hence his name has not been



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included for the panel year 2020-21.

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6. The limited claim made by the petitioner is that the petitioner did not have any criminal charges pending against him as on 01.09.2019 which is the crucial date for preparing the panel for the year 2020-21. Since the petitioner has already given a representation in this regard, the second respondent shall consider the same and pass orders in accordance with law.

7. In the result, this Writ Petition is disposed and the second respondent is directed to consider the representation of the petitioner on its own merits and in accordance with law and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

08.03.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No
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To

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Department of Health and Family Welfare,
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R.N.MANJULA, J.

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