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W.P.No.14795 of 2014



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.14795 of 2014

S.Krishnamoorthy,
S/o.T.N.Swaminathan,
Assistant,
Office of the Joint Director of
Health Services,
Uthagamandalam,
Nilgiris District.

...

Petitioner

versus

1.Government of Tamil Nadu,
Represented by Secretary to Govt.,
Public Health and Family Welfare Dept.,
Secretariat,
Chennai - 600 009.

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

3.The Director of Family Welfare,
Chennai - 600 006.

4.B.J.Thirumurugan,
Assistant,
C/o. Office of the Deputy Director of Health Services,
Uthagamandalam,
Nilgiris District.

...

Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent herein to consider the representation of the petitioner dated 05.05.2014 by providing opportunity of being heard to both the petitioner as well as the fourth respondent and to pass appropriate orders on the genuine claim of the Petitioner, well prior to the decision to be taken in regard to the petitioner's promotion to the higher post, the petitioner.

For Petitioner	:	M/s.T.Subhiksha for M/s.M.Ravi
For Respondent Nos.1 to 3	:	Mr.K.Tippu Sultan Government Advocate
For Respondent No.4	:	Mr.S.Makesh

ORDER

The writ petition is filed directing the first respondent to consider the representation of the petitioner dated 05.05.2014 by providing an opportunity of being heard to both the petitioner and the fourth respondent and to pass appropriate orders.

2. The petitioner had filed this writ petition on the apprehension that the fourth respondent would be given promotion to the post of Office Superintendent and as such, the petitioner has submitted a representation and



come up with the writ petition claiming that before any promotion is affected, the petitioner and the fourth respondent have to be heard.

3. As far as the petitioner's case is concerned, by G.O.(D)No.1406, Health and Family Welfare (K1) Department, dated 22.12.2014, an order of punishment was imposed as against the petitioner, challenging the same, he has preferred writ petition in W.P.No.11137 of 2015 and the same is pending. Therefore, the petitioner had sought for consequential relief of inclusion in the panel and promotion as Office Superintendent in the said writ petition.

4. In the instant writ petition, the official respondents 1 to 3 have filed a counter affidavit stating that the name of the fourth respondent has already been considered in the 2013-2014 panel in the appropriate place and he has been promoted as Office Superintendent *vide* order dated 30.06.2015.

5. When the fourth respondent has already been promoted with effect from 2015 itself, the relief sought for by the petitioner in this writ petition has become infructuous.



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6. It is always open to the petitioner to redress his grievances in the writ petition, which is pending in W.P.No.11137 of 2015.

7. In view of the same, this Writ Petition is *dismissed as infructuous*. There shall be no order as to costs.

21.10.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri

To

1.The Secretary to Government,
Government of Tamil Nadu,
Public Health and Family Welfare Dept.,
Secretariat,
Chennai - 600 009.

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

3.The Director of Family Welfare,
Chennai - 600 006.



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G.ARUL MURUGAN, J.

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