



W.A.No.2260 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.A.No.2260 of 2024

Dr.A.Khaleel Ahmed

.. Appellant

Vs

- 1.The Director,
Indian Medicine and Homeopathy,
Arumbakkam,
Chennai-600 106.
- 2.The Secretary,
Department of Health and Family Welfare,
Government of Tamilnadu,
Chennai.
- 3.The Principal i/c,
Government Unani Medical College,
Chennai-600 106.
- 4.Dr.Mubasheera Begum



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5.National Commission,
For Indian System of Medicine (NCISM),
Ministry of Ayush, Government of India,
61-65, Institutional Area,
New Delhi-110 058.

6.The Registrar,
The TN Dr. MGR Medical University,
69, Anna Salai, Guindy,
Chennai-600 032.

.. Respondents

Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 9.7.2024 passed by the learned Single Judge in W.P.No.27498 of 2023.

For the Appellant : Mr.Haja Mohideen Gisthi

For the Respondents : Mrs.M.Sneha
for respondent No.2

JUDGMENT

(Delivered by the Hon'ble Acting Chief Justice)

Heard Mr.Haja Mohideen Gisthi, learned counsel for the appellant and Mrs.M.Sneha, learned counsel for the second respondent.



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2. Challenging the order of the learned Single Judge dated 9.7.2024 passed in W.P.No.27498 of 2023, the unsuccessful writ petitioner has filed the present appeal.

3. The prayer in the writ petition is to direct the first respondent to consider the appellant/writ petitioner's representation dated 10.8.2023 and fix seniority according to his experience in the Department of General Medicine without reference to and without taking into account the pendency of the charge memo issued under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules.

4. The learned Single Judge dismissed the writ petition holding that the appellant was issued with charge memo and pending charge memo, the representation submitted by the appellant cannot be considered.

5. Learned counsel for the appellant submitted that the



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appellant has not prayed for inclusion of his name in the promotion panel and he only seeks a direction against the authority concerned to consider his representation to include his name in the seniority list as per the relevant rules.

6. Learned counsel appearing for the second respondent submitted that the second respondent has no objection for considering the representation of the appellant in the light of the provisions of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016.

7. The claim of the appellant is to include his name in the seniority list by considering the representation dated 10.8.2023 and not inclusion of his name in the promotion panel. There is no legal embargo on considering the representation of the appellant dated 10.8.2023 in accordance with law. In view of the above, we direct the respondent authorities to consider the representation of the appellant dated 10.8.2023 in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this judgment.



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8. The writ appeal is, accordingly, disposed of. There shall be no order as to costs. Consequently, C.M.P.No.15933 of 2024 is closed.

(D.K.K., ACJ.) (K.B., J.)
29.07.2024

Index : Yes/No
NC : Yes/No
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To

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K.KUMARESH BABU,J.

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