



W.P.(MD).No.528 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.528 of 2024

R.Rajkumar

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep by its Health Secretary /
Principal Secretary to Government,
Health and Family Welfare Department,
Fort St.George, Secretariat,
Chennai-09.
2. The Secretary to Government,
Personnel and Administrative Reforms Department,
Government of Tamil Nadu,
Secretariat, Chennai 09.
3. The Directorate of Medical And Rural Health Services,
O/o. The Directorate of Medical and Rural Health Services,
Tyenampet, Chennai -06.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to promote the petitioner as Office Superintendent with respect to the letter issued by the respondent no. 3 vide Ref.No.22500/E2/3/2019, dated 12.11.2019 and



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Ref.No.73815/E2/3/2022 dated 05.09.2023 by considering the petitioner representation, dated 13.12.2023.

For Petitioner : Mr. SMA Jinnah

For Respondents : Mr. Jayaselan
Government Advocate

ORDER

The present writ petition has been filed seeking a direction to the respondents to promote the petitioner as Office Superintendent with respect to the letter issued by the respondent No. 3 vide Ref.No.22500/E2/3/2019, dated 12.11.2019 and Ref.No.73815/E2/3/2022 dated 05.09.2023 by considering the petitioner's representation, dated 13.12.2023.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. Perused the materials on record.



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4.(i).The petitioner is currently working as Assistant in Government Hospital of Thoracic Medicine, Thoppur, Madurai. He completed his probation on 25.07.2009. However, the order for the same was given to him belatedly vide G.O.Ms.No.93, dated 30.09.2015. His service was regularized vide order, dated 26.08.2014. On 30.03.2016, he was promoted as Assistant. In the event of qualifying the departmental examinations within the period, his seniority as Assistant has been calculated in the revised seniority of the year 2010-11 as per the Government Ministry Staff Rules and the order was issued on 01.08.2018. The petitioner's name was found place in the seniority panel for the year 2019-20 issued by the third respondent for promotion to the post of Office Superintendent in S.No.81 in Seniority No.737A6(3). However, the petitioner was not promoted till date.

(ii).In the year 2012, public servants, who were directly appointed as Assistants by the TNPSC had approached this Court in W.P.No.35788 and 35800 of 2019 since there was a delay in awarding the probation to them. The same was allowed by this Court. On 05.09.2023, the promotion panel list for consideration of the Office Superintendent was issued by the respondents and the same was published. The petitioner's name found place in the Annexure for consideration of promotion for the period from 2023-24, he was not promoted



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till date. The petitioner submitted a representation, dated 13.12.2023 requesting the respondents to take appropriate action for promoting him as Office Superintendent. However, the same was not considered. Hence, this petition came to be filed.

4.The learned counsel appearing for the petitioner submitted that the representation submitted by the petitioner shall be considered, within the time stipulated by this Court.

5.The learned Government Advocate appearing for the respondents on instructions, submitted that already W.A.No.3315 and 3484 of 2023 have been preferred against the order in W.P.No.35788 and 35800 of 2019. Therefore, the representation of the petitioner could be considered only subject to the outcome of the writ appeal pending before the Principal Bench.

6.In view of the same, without going into the merits of the case, this Court hereby direct the respondents to consider the representation submitted by the petitioner, dated 13.12.2023 and pass appropriate orders in



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accordance with law, within a period of twelve (12) weeks, from the date of receipt of a copy of this order.

7. Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

10.01.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The Health Secretary /
Principal Secretary to Government,
State of Tamil Nadu,
Health and Family Welfare Department,
Fort St. George, Secretariat,
Chennai-09.
2. The Secretary to Government,
Personnel and Administrative Reforms Department,
Government of Tamil Nadu,
Secretariat, Chennai 09.
3. The Directorate of Medical And Rural Health Services,
O/o. The Directorate of Medical and Rural Health Services,
Tyenampet, Chennai -06.



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L.VICTORIA GOWRI, J.

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ORDER IN
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