



W.P.(MD)No.9907 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.04.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.9907 of 2025

P.Ramesh

... Petitioner

Vs.

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

2. The Director of Medical And Rural Health Services,
Directorate of Medical and Rural Health Services,
DMS Campus,
Teynampet,
Chennai- 600 006

3. The Dean,
Government Karur Medical College,
Karur 639 004

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to refix the petitioner's seniority in the post of Junior Assistant and subsequently to place the name of petitioner in appropriate promotion panel to the post Office Superintendent by considering the petitioner representation dated 08.07.2024.



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For Petitioner : Mr.S.Ramanathan
For Respondents : Mr.S.Vinoth
Government Advocate

ORDER

This writ petition is filed seeking a direction to the second respondent to re-fix the petitioner's seniority in the post of Junior Assistant and subsequently to place the name of the petitioner in appropriate promotion panel to the post Office Superintendent by considering the petitioner's representation dated 08.07.2024.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

3. The case of the petitioner is that he was initially appointed as Junior Assistant through direct recruitment on 01.03.2010. He completed his departmental tests. The petitioner's service was regularized on 29.02.20216 with effect from 01.03.2010. His probation was declared with effect from 29.02.2012.



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4. The grievance of the petitioner is that due to inordinate delay in regularizing his service and declaring probation, he totally lost opportunities from getting promotion to the next level post on time. Finally, he was promoted as Assistant on 28.12.2017 after a lapse of seven years. He joined on 12.03.2018 after completing all the departmental procedures. The learned counsel for the petitioner submits that the actual promotion to the post of Assistant for the petitioner is in the panel year 2012-2013 and due to the inordinate delay made by the respondents, he was promoted in the year 2017. On 03.01.2020, the second respondent published the tentative seniority list of Assistants upto 30.06.2018 in which the petitioner was placed at serial No.902 and he was placed below his junior, who was joined after him in the post of Junior Assistant. Aggrieved by the same, the petitioner submitted a representation to the third respondent requesting him to refix the seniority.

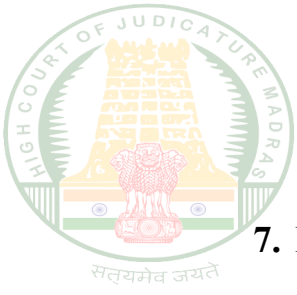
5. Considering the representation, the third respondent sent proposal to the second respondent on 05.01.2021 and in turn the second respondent called for some relevant documents on 04.02.2021 and the third respondent re-submitted the proposal on 17.02.2021 by enclosing the documents. While the



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petitioner was waiting for re-fixing of his seniority and for inclusion of his name in the subsequent promotion panel for the post of Office Superintendent, to his shock and surprise, on 22.12.2022 the second respondent called for the details of the Assistants to draw the promotional panel for the year 2022-2023 to the post of Office Superintendent, wherein the petitioner's name was not included. Aggrieved by the same, the petitioner sent a representation to the second respondent through the third respondent to include his name in the promotion panel year 2022-2023 by re-fixing the seniority for the post of Junior Assistant vide representations dated 26.12.2022, 31.05.2024 and 08.07.2024.

6. Without considering the same, the second respondent passed promotion order dated 02.08.2024 for the panel year 2024-2025 and the juniors of the petitioner were promoted ignoring the petitioner. The learned counsel for the petitioner submits that from the beginning the respondents have been postponed to consider the seniority issue discriminatively, which has adversely violated the fundamental rights of the petitioner being considered for promotion. Having no other option, the petitioner approached this Court by filing this writ petition.



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7. Mr.Vinoth, learned Government Advocate submits that the claim of the petitioner to re-fix his seniority by considering his representation dated 08.07.2024 will be considered in due course in accordance with law.

8. Having heard the submissions of the respective counsels and on perusing the materials available on record, it appears that because of the administrative delay of the respondents, from the beginning the petitioner is suffering. There is no dispute on that fact. Without considering the claim of the petitioner to re-fix his seniority in the post of Junior Assistant, the respondents issued promotion order for the panel year 2024-2025, wherein the juniors of the petitioners were promoted and the same promotion is denied to the petitioner. Action of the respondents in not considering the claim of the petitioner in his representation dated 08.07.2024 is declared as unreasonable and illegl.

9. Considering the facts and circumstances of the case, with consent of both sides, this writ petition is disposed of with a direction to the second respondent to re-fix the seniority of the petitioner in the post of Junior Assistant and subsequently place him in the appropriate promotional panel to the post of Office Superintendent by considering his representation dated 08.07.2024



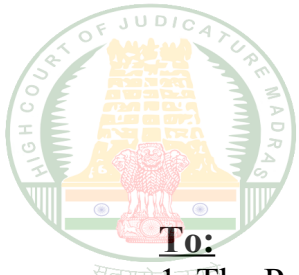
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within a period of four weeks from the date of receipt of a copy of this order.

WEB COPY There shall be no order as to costs.

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NCC:yes/no
Index:yes/no
Internet:yes/no
CM



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To:

1. The Principal Secretary,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai 600 009

2. The Director of Medical And Rural Health Services,
Directorate of Medical and Rural Health Services,
DMS Campus,
Teynampet,
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3. The Dean,
Government Karur Medical College,
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BATTU DEVANAND, J.

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