

WP(MD).No.9097 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE K. RAJASEKAR

W.P.(MD)No.9097 of 2019

M.Selvakumar

.. Petitioner

Vs.

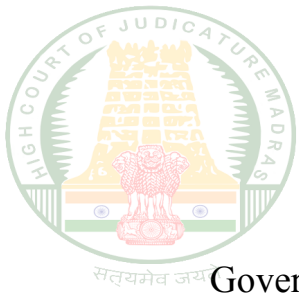
1. Government of Tamil Nadu,
rep. by its Principal Secretary to Government,
Health and Family Welfare Department,
Fort St. George,
Chennai – 600 009.

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

3.The Dean,
Government Sivagangai Medical College Hospital,
Sivagangai.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to issue order for upgradation of the post of Workshop Superintendent in the



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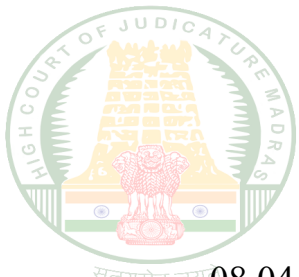
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Government Medical College Hospital in Sivagangai and promote and post the petitioner on merit who is currently working as the Workshop Superintendent in that hospital as the Assistant Executive Engineer (Equipment and Maintenance) by considering the petitioner's representations dated 14.03.2019 and 08.04.2019. (Prayer amended as per the order, dated 04.06.2025 in WMP(MD).No.17356 of 2024)

For Petitioner : Mr.K. Pandirajan
For Respondents : Mr.N. Satheesh kumar
Additional Public Prosecutor

ORDER

This Writ Petition has been filed by the petitioner for issuing a direction to the respondents to issue order for upgradation of the post of “Workshop Superintendent” in the Government Medical College Hospital in Sivagangai and promote and post the petitioner on merit, who is currently working as the “Workshop Superintendent” in that hospital as the Assistant Executive Engineer (Equipment and Maintenance) by considering the petitioner's representations dated 14.03.2019 and



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2. The case of the petitioner is that he was joined in the “Health and Family Welfare Department” of the Tamil Nadu State Government as an “Instrument Mechanic” on 25.10.2007 and promoted as an “Workshop Superintendent” on 01.08.2014 and from that date onwards he was served in the very same post. In the meantime, Government has issued G.O(Ms).No.590, dated 24.12.2018 for upgrading 7 posts of “Junior Engineer (Steam, laundry / Mechanical) as “Assistant Executive Engineer (Equipment and Maintenance)”. According to the petitioner, Assistant Executive Engineer (Equipment and Maintenance) was promotional post for the petitioner also. Since this upgradation of the post of Junior Engineer (Steam Laundry / Mechanical) is blocking the promotional avenue of the petitioner, he has come forward with the present Writ Petition stating that the G.O.Ms.No.590, dated 24.12.2018 is applicable to the petitioner also. However, he prays for upgradation of his post on par with the upgradation made as per G.O.Ms.No.590, dated 24.12.2018 and consequently, prayed for promotion to the next level post.



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3. The learned counsel appearing for the petitioner submitted that the petitioner is working as a “Workshop Superintendent” without any promotional avenue and the upgradation of the post of Junior Engineer is also arbitrary in nature. The petitioner's post may also be upgraded, to extend the benefit of upgradation and promotion. He has also relied on G.O.Ms.321, dated 19.05.1995, issued in favour of an employee, who had been given upgradation as “Assistant Executive Engineer (Equipment and Maintenance)”.

4. The respondents have also filed a counter stating that the upgradation was made for the “Junior Engineer (Steam, Laundry / Mechanical)” as the “Assistant Executive Engineer (Equipment and Maintenance)” based on the representation submitted by the Association. In the G.O it has been specifically stated that the duties and responsibilities attached to the post of “Junior Engineer (Steam Laundry / Mechanical)” will be added to the duties and responsibilities of Assistant Executive Engineer (Equipment and Maintenance) post. This G.O is person oriented and not based on any promotional norms or any merits. Hence, it is also stated that either the petitioner or Association has made



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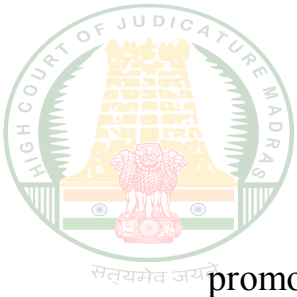
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any representation to upgrade the post of “Workshop Superintendent”.

5. I have considered the rival submissions made by the learned counsel appearing on either side and perused the materials available on record.

6. Admittedly, the petitioner, who is working in the post of “Workshop Superintendent” from 01.08.2014. The G.O.Ms.No.590, dated 24.12.2018 shows that the persons who were completed the post of “Junior Engineer (Steam, Laundry / Mechanical)” for the past 25 years and 11 years of service have been given benefit of upgradation based on their representations. It is also reveals that it is only person oriented as per the norms. G.O.Ms.No.590 also shows that this order was issued for for the purpose of providing some benefits by recognizing long service of the persons who are working as “Junior Engineer (Steam, Laundry / Mechanical)”, which are non promotional post.

7. I am of the view that though the petitioner was promoted as “Workshop Superintendent” he has served long years in the non –



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promotional post, is to be considered for similar benefits extended to Junior Engineers.

8. The G.O.Ms.No.321, dated 19.05.1995 relied on by the petitioner shows that it was issued for the purpose of implementing the order passed by the Administrative Tribunal and the same could not be considered as precedent for extending the benefit of the petitioner.

9. However, I am of the view that since the Government has come forward to extend the benefit of upgrading the persons, who have been working in the field as “Junior Engineer” for the past 25 and 11 years, the same benefit has to be extended to the petitioner. The petitioner has completed 11 years as on today. It is also brought to the knowledge of this Court that the petitioner has also sent a representation to the respondents on 08.04.2019 and the same is not yet considered by the respondents. Since the petitioner has made out the case that his representation is to be considered by the respondents, I am inclined to direct the respondents to consider his request for upgradation. The petitioner is also permitted to send a fresh representation to the



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respondents within a period of two weeks from the date of receipt of a copy of this order and on receipt of said representation, the concerned respondent is directed to take appropriate decision on merits within a period of 12 weeks.

10. With the above direction, this Writ Petition is disposed of. No costs.

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Index: Yes/No
Internet : Yes/No
trp

To:

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

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

3. The Dean,
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K. RAJASEKAR, J.,

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