



W.P.(MD)No.18532 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.18532 of 2025

P.Raja

... Petitioner

-VS-

1.State of Tamil Nadu,

Represented by the Principal Secretary,
Health and Family Welfare Department,
Fort St. George, State Secretariat,
Chennai – 600 009.

2.The Director,

Directorate of Public Health and Preventive Medicine,
No.359, DMS Complex,
Anna Salai, Chennai - 600006.

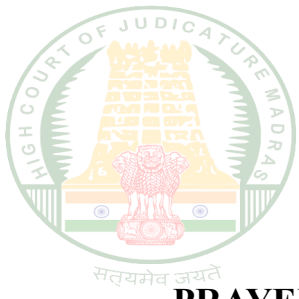
3.The District Health Officer / Deputy Director,

Office of the District Health Officer / Deputy Director,
Public Health and Preventive Medicine,
Vishwanathapuram,
Madurai District.

4.The Block Medical Officer,

Office of the Block Medical Officer,
Vellalore Block, Melur Taluk,
Madurai District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to take appropriate action to grant time bound promotion as Senior Civil Surgeon with effect from 02.04.2024 as per G.O.(Ms.)No.301 dated 06.10.2015, by considering petitioner's representations dated 15.04.2024 and 29.03.2025 in accordance with law, within the time stipulated by this Court.

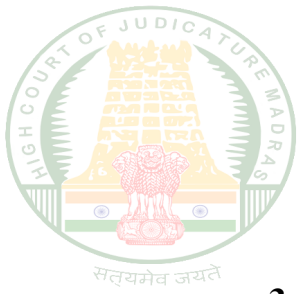
For Petitioner : Dr.R.Alagumani

For Respondents : Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents to take appropriate action to grant the petitioner time-bound promotion to the post of Senior Civil Surgeon with effect from 02.04.2024, in accordance with G.O.(Ms.) No.301, Health and Family Welfare (A2) Department, dated 06.10.2015, by considering the petitioner's representations dated 15.04.2024 and 29.03.2025, within the time frame stipulated by this Court.

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

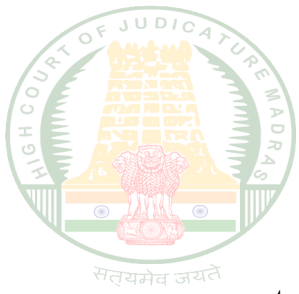


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3. According to the petitioner, he is a Civil Surgeon with over 18 years of continuous and satisfactory service in the Health and Family Welfare Department, now, posted at Government Primary Health Centre, Thiruvathavur, Madurai District. He became eligible for promotion to the post of Senior Civil Surgeon as of 02.04.2024 under G.O.(Ms.)No.301, Health and Family Welfare (A2) Department, dated 06.10.2015. Despite fulfilling all requisite conditions, the petitioner's time-bound promotion has been withheld without valid justification, causing professional stagnation and monetary loss. In this regard, the petitioner submitted a representation on 15.04.2024. However, instead of considering the same, a charge memo was issued on 07.05.2024 based on an alleged unauthorized absence on 22.03.2024. The charge memo was issued after the eligibility date and is alleged to be maliciously timed to obstruct his promotion.

4. The petitioner submits that the absence in question was due to sudden chest pain, for which, he sought emergency treatment after informing the in-charge medical officer. There has been no follow-up enquiry, affirming the *mala fide* nature of the disciplinary proceedings. The petitioner asserts that similarly situated colleagues have been granted promotion and the denial in his case

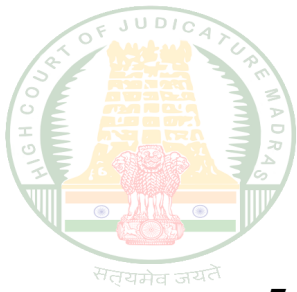


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amounts to arbitrary and discriminatory treatment. Despite multiple representations, including a detailed one dated 29.03.2025, the respondents have not acted on the petitioner's legitimate request for promotion. Left with no alternative remedy, the petitioner has approached this Court under Article 226 of the Constitution, seeking a Writ of Mandamus, directing the respondents to grant time-bound promotion to the post of Senior Civil Surgeon, with all consequential service benefits, including pay fixation, arrears and seniority.

5. Heard both sides.

6. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.



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7. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 29.03.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the second respondent to consider the same on its own merits.

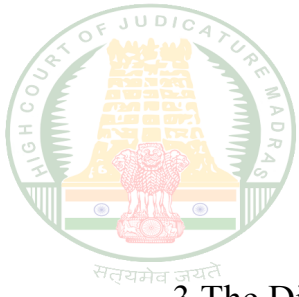
8. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
smn2

09.07.2025

To:-

1. The Principal Secretary,
State of Tamil Nadu,
Health and Family Welfare Department,
Fort St. George, State Secretariat,
Chennai – 600 009.
2. The Director,
Directorate of Public Health and Preventive Medicine,
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