

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.Nos.26387 to 26403 of 2015

M.Murugesan	...Petitioner in W.P.26387/2015
V.Ganga Bhawani	...Petitioner in W.P.26388/2015
E.Devaraj	...Petitioner in W.P.26389/2015
V.K.Damodaran	...Petitioner in W.P.26390/2015
M.Chandrasekaran	...Petitioner in W.P.26391/2015
S.Gopal	...Petitioner in W.P.26392/2015
C.Govindarajan	...Petitioner in W.P.26393/2015
C.Manickam	...Petitioner in W.P.26394/2015
S.Seshadri	...Petitioner in W.P.26395/2015
C.N.Sagunthala	...Petitioner in W.P.26396/2015
S.Seshan	...Petitioner in W.P.26397/2015
V.B.Rathinam	...Petitioner in W.P.26398/2015
M.Balaraman	...Petitioner in W.P.26399/2015
K.Annasamy	...Petitioner in W.P.26400/2015
R.Shanmugam	...Petitioner in W.P.26401/2015
A.Ramasamy	...Petitioner in W.P.26402/2015
A.Natarajan	...Petitioner in W.P.26403/2015

Vs.

1 The State of Tamilnadu
rep. by its Secretary to Government
Health and Family Welfare Department
Secretariat
Fort St. George Chennai-9

2 The Director of Public Health
and Preventive Medicine
DMS Compound
Chennai-600 006.

...Respondents in al the petitions

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to promote the petitioner in the cadre of Health Inspector with effect from 01.01.1979, 01.06.1979, 01.06.1981, 01.09.1982, 01.09.1982,

01.06.1981, 01.06.1980, 01.06.1979, 01.06.1981, 01.09.1982,
01.06.1978, 01.11.1990, 01.06.1981, 01.06.1978, 01.06.1981,
01.11.1990 and 01.06.1980 respectively, and consequently regularise
the service of the petitioner in the post of Health Inspector with
all monetary benefits by applying G.O.(D) No.359 Health & Family
Welfare Department dated 26.04.2004 which is covered in order dated
13.07.2007 in W.P.No.29794 of 2005 and confirmed by the Honourable
Supreme Court of India in Civil Appeal No.6660 of 2011 and batch
dated 25.02.2015.

For Petitioners : Mr.B.Vijay
in all the petitions

For Respondents : Mr.V.Subbiah
in all the petitions Special Government Pleader

C O M M O N O R D E R

By consent, all the writ petitions are taken up for final disposal.

2.The petitioner in W.P.No.26387 of 2015 was appointed as Basic Health Worker in the services of the Health and Family Welfare Department on 08.04.1968 and his probation was successfully declared and his services were also regularised. The petitioner would further state that he has also successfully completed the Sanitary Inspector Course during January, 1979 and he was also issued with course completion certificate and according to him, he is eligible to be selected as Health Inspector on completion of Sanitary Inspector Course and despite several representations he has not been selected and hence, came forward to file the writ petition.

3.The petitioner in W.P.No.26388 of 2015 was appointed as Basic Health Worker in the services of the Health and Family Welfare Department on 24.11.1969 and her probation was successfully declared and her services were also regularised. The petitioner would further state that she has also successfully completed the Sanitary Inspector Course during June, 1979 and she was also issued with course completion certificate and according to her, she is eligible to be selected as Health Inspector on completion of Sanitary Inspector Course and despite several representations she has not been selected and hence, came forward to file the writ petition.

4.The petitioner in W.P.No.26389 of 2015 was appointed as Basic Health Worker in the services of the Health and Family Welfare

Department on 24.07.1970 and his probation was successfully declared and his services were also regularised. The petitioner would further state that he has also successfully completed the Sanitary Inspector Course during June, 1981 and he was also issued with course completion certificate and according to him, he is eligible to be selected as Health Inspector on completion of Sanitary Inspector Course and despite several representations he has not been selected and hence, came forward to file the writ petition.

5.The petitioner in W.P.No.26390 of 2015 was appointed as Vaccinator in the services of the Health and Family Welfare Department on 23.03.1973 and his probation was successfully declared and his services were also regularised. The petitioner would further state that he has also successfully completed the Sanitary Inspector Course during September, 1982 and he was also issued with course completion certificate and according to him, he is eligible to be selected as Health Inspector on completion of Sanitary Inspector Course and despite several representations he has not been selected and hence, came forward to file the writ petition.

6.The petitioner in W.P.No.26391 of 2015 was appointed as Basic Health Worker in the services of the Health and Family Welfare Department on 02.08.1976 and his probation was successfully declared and his services were also regularised. The petitioner would further state that he has also successfully completed the Sanitary Inspector Course during September, 1982 and he was also issued with course completion certificate and according to him, he is eligible to be selected as Health Inspector on completion of Sanitary Inspector Course and despite several representations he has not been selected and hence, came forward to file the writ petition.

7.The petitioner in W.P.No.26392 of 2015 was appointed as Vaccinator in the services of the Health and Family Welfare Department on 28.03.1971 and his probation was successfully declared and his services were also regularised. The petitioner would further state that he has also successfully completed the Sanitary Inspector Course during June, 1981 and he was also issued with course completion certificate and according to him, he is eligible to be selected as Health Inspector on completion of Sanitary Inspector Course and despite several representations he has not been selected and hence, came forward to file the writ petition.

8.The petitioner in W.P.No.26393 of 2015 was appointed as Basic Health Worker in the services of the Health and Family Welfare Department on 11.02.1967 and his probation was successfully declared and his services were also regularised. The petitioner would further

state that he has also successfully completed the Sanitary Inspector Course during June, 1980 and he was also issued with course completion certificate and according to him, he is eligible to be selected as Health Inspector on completion of Sanitary Inspector Course and despite several representations he has not been selected and hence, came forward to file the writ petition.

9.The petitioner in W.P.No.26394 of 2015 was appointed as Basic Health Worker in the services of the Health and Family Welfare Department on 04.01.1970 and his probation was successfully declared and his services were also regularised. The petitioner would further state that he has also successfully completed the Sanitary Inspector Course during June, 1979 and he was also issued with course completion certificate and according to him, he is eligible to be selected as Health Inspector on completion of Sanitary Inspector Course and despite several representations he has not been selected and hence, came forward to file the writ petition.

10.The petitioner in W.P.No.26395 of 2015 was appointed as Field Work Assistant in the services of the Health and Family Welfare Department on 25.10.1972 and his probation was successfully declared and his services were also regularised. The petitioner would further state that he has also successfully completed the Sanitary Inspector Course during June, 1981 and he was also issued with course completion certificate and according to him, he is eligible to be selected as Health Inspector on completion of Sanitary Inspector Course and despite several representations he has not been selected and hence, came forward to file the writ petition.

11.The petitioner in W.P.No.26396 of 2015 was appointed as Surveillance Worker in the services of the Health and Family Welfare Department on 05.03.1971 and her probation was successfully declared and her services were also regularised. The petitioner would further state that she has also successfully completed the Sanitary Inspector Course during September, 1982 and she was also issued with course completion certificate and according to her, she is eligible to be selected as Health Inspector on completion of Sanitary Inspector Course and despite several representations she has not been selected and hence, came forward to file the writ petition.

12.The petitioner in W.P.No.26397 of 2015 was appointed as Basic Health Worker in the services of the Health and Family Welfare Department on 06.02.1970 and his probation was successfully declared and his services were also regularised. The petitioner would further state that he has also successfully completed the Sanitary Inspector Course during June, 1978 and he was also issued with course

completion certificate and according to him, he is eligible to be selected as Health Inspector on completion of Sanitary Inspector Course and despite several representations he has not been selected and hence, came forward to file the writ petition.

13.The petitioner in W.P.No.26398 of 2015 was appointed as Basic Health Worker in the services of the Health and Family Welfare Department on 06.02.1971 and his probation was successfully declared and his services were also regularised. The petitioner would further state that he has also successfully completed the Sanitary Inspector Course during November, 1990 and he was also issued with course completion certificate and according to him, he is eligible to be selected as Health Inspector on completion of Sanitary Inspector Course and despite several representations he has not been selected and hence, came forward to file the writ petition.

14.The petitioner in W.P.No.26399 of 2015 was appointed as Basic Health Worker in the services of the Health and Family Welfare Department on 09.09.1967 and his probation was successfully declared and his services were also regularised. The petitioner would further state that he has also successfully completed the Sanitary Inspector Course during June, 1981 and he was also issued with course completion certificate and according to him, he is eligible to be selected as Health Inspector on completion of Sanitary Inspector Course and despite several representations he has not been selected and hence, came forward to file the writ petition.

15.The petitioner in W.P.No.26400 of 2015 was appointed as Basic Health Worker in the services of the Health and Family Welfare Department on 01.02.1969 and his probation was successfully declared and his services were also regularised. The petitioner would further state that he has also successfully completed the Sanitary Inspector Course during June, 1978 and he was also issued with course completion certificate and according to him, he is eligible to be selected as Health Inspector on completion of Sanitary Inspector Course and despite several representations he has not been selected and hence, came forward to file the writ petition.

16.The petitioner in W.P.No.26401 of 2015 was appointed as Basic Health Worker in the services of the Health and Family Welfare Department on 26.11.1970 and his probation was successfully declared and his services were also regularised. The petitioner would further state that he has also successfully completed the Sanitary Inspector Course during June, 1981 and he was also issued with course completion certificate and according to him, he is eligible to be selected as Health Inspector on completion of Sanitary Inspector

Course and despite several representations he has not been selected and hence, came forward to file the writ petition.

17.The petitioner in W.P.No.26402 of 2015 was appointed as Vaccinator in the services of the Health and Family Welfare Department on 05.04.1969 and his probation was successfully declared and his services were also regularised. The petitioner would further state that he has also successfully completed the Sanitary Inspector Course during November, 1990 and he was also issued with course completion certificate and according to him, he is eligible to be selected as Health Inspector on completion of Sanitary Inspector Course and despite several representations he has not been selected and hence, came forward to file the writ petition.

18.The petitioner in W.P.No.26403 of 2015 was appointed as Basic Health Worker in the services of the Health and Family Welfare Department on 15.12.1969 and his probation was successfully declared and his services were also regularised. The petitioner would further state that he has also successfully completed the Sanitary Inspector Course during June, 1980 and he was also issued with course completion certificate and according to him, he is eligible to be selected as Health Inspector on completion of Sanitary Inspector Course and despite several representations he has not been selected and hence, came forward to file the writ petition.

19.The petitioners would further state that one Thiru Dhanasekaran filed O.A.No.3763 of 1994 on the file of the Tamil Nadu State Administrative Tribunal for regularisation of his service in the post of Health Inspector with effect from the date on which he is eligible to be promoted and vide order dated 16.03.1996, his application was allowed with consequential direction directing the official respondents therein to promote the applicant to the post of Health Inspector with effect from the date on which he is eligible to be promoted and it was further held that Basic Health Workers are eligible to be promoted as Health Inspector upon completion of Sanitary Inspector Course and the first respondent has also implemented the said order by issuing letter no.98036 dated 05.03.1996.

20.The said letter was also communicated to all the Deputy Directors of the Department to take appropriate action for conferment of promotional benefits to the persons similarly placed and accordingly, very many persons were promoted and retrospective promotions were also given. One Thiru Ramalingam also filed O.A.No.7622 of 1997 on the file of the Tamil Nadu State Administrative Tribunal and it was ordered and the official

respondents aggrieved by the same had filed W.P.No.11465 of 1999 on the file of this Court and Hon'ble Division Bench of this Court dismissed the same vide order dated 05.07.1999 and S.L.P.(Civil) No.6564 of 2002 has been preferred before the Hon'ble Supreme Court and it has also ended in dismissal on 26.08.2002 and thereafter, the first respondent herein has passed G.O.(D) No.359, Health and Family Welfare Department, dated 26.04.2004 for implementing the order passed in O.A.No.7622 of 1997 and to give appropriate benefits to the applicant namely, Thiru Ramalingam.

21.It is further stated by the petitioners that a batch of similar writ petitions in W.P.Nos.29794 to 29799 of 2007 etc., were also ordered on 13.07.2007 and since the petitioners are similarly placed, they have also submitted representations dated 08.06.2015 praying for conferment of the same and since no response is forthcoming, came forward to file these writ petitions.

22.Heard the submissions of Mr.B.Vijay, learned counsel appearing for the petitioners and Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of the respondents.

23.Though the petitioner prayed for a larger relief, this Court in the light of the facts and circumstances and without going into the merits of the representations, directs the first respondent to consider and dispose of the petitioners' representations dated 08.06.2015, on merits and in accordance with law after taking note of the above cited orders as well as the Government Orders and administrative instruction and pass orders within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners.

24.The writ petitions are disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

pri

To

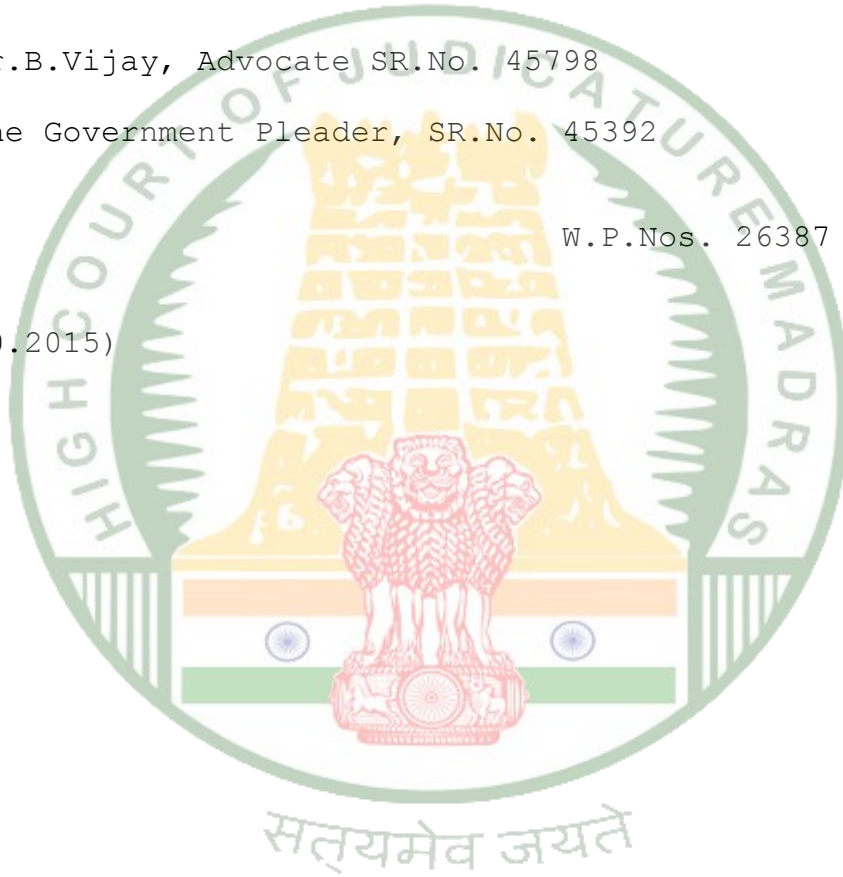
- 1 The State of Tamilnadu
rep. by its Secretary to Government Health
and Family Welfare Department Secretariat
Fort St. George Chennai-9
- 2 The Director of Public Health
and Preventive Medicine DMS Compound
Chennai-600 006

1 CC to Mr.B.Vijay, Advocate SR.No. 45798

1 CC to the Government Pleader, SR.No. 45392

W.P.Nos. 26387 to 26403 of 2015

PA (CO)
PSI (12.10.2015)



WEB COPY