

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-10-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.32426 of 2015

K.Vijayalakshmi

.. Petitioner

vs

1.The State of Tamil Nadu

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

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to promote the petitioner's husband namely J.Kanthaiyan, in the cadre of Health Inspector with effect from 1.11.1990 and consequently, regularise the services of the petitioner's husband in the post of Health Inspector with all monetary benefits by applying G.O.(D) No.359, Health and Family Welfare Department, dated 26.4.2004, which is covered in order dated 13.7.2007, in W.P.No.29794 of 2005 and confirmed by the Hon'ble Supreme Court of India in Civil Appeal No.6660 of 2011 and batch dated 25.2.2015.

For Petitioner : Mr.B.Vijay

For Respondents : Mr.N.Srinivasan
Additional Government Pleader

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner would state that her husband viz. J.Kanthaiyan, was appointed as Basic Health Worker in the Department of Health and Family Welfare on 1.11.1969, and after successful completion of probation, his services were

regularised. She would claim that her husband has successfully completed Sanitary Inspector Course during November, 1990, and the Course Completion Certificate was also issued to him.

3.It is the further claim of the petitioner that as per the Rules framed by the Department, her husband is eligible to be promoted as Health Inspector on completion of the Sanitary Inspector Course and despite repeated representations in this regard, no orders have been passed and in the interregnum, he died on 8.8.2010.

4.It is further stated by the petitioner that after a long lapse of time, her husband was promoted to the post of Health Inspector Grade-I without following the seniority and the Department has failed to give promotion to him immediately after completion of the Sanitary Inspector Course, on account of non-drawing of seniority list.

5.The petitioner would further aver that one Dhanasekaran filed O.A.No.3763 of 1994 before the Tamil Nadu Administrative Tribunal for regularisation of his services and it was allowed on 16.3.1996, wherein, the Tribunal has also held that the applicant therein is eligible to be promoted to the post of Health Inspector on completion of Sanitary Inspector Course, and the first respondent in compliance of the said order, has also issued a letter dated 5.3.1996, and simultaneously, the direction contained in the above said letter, was also communicated to all the Deputy Directors to take appropriate action and for some of the persons, those directions were also complied with and however, in the case of the petitioner's husband, in spite of the said fact being brought to the knowledge of the authority in the form of representation, no orders have been passed and hence, she came forward to file this writ petition.

6.The learned Counsel appearing for the petitioner, would submit that in similar facts and circumstances, this Court vide common order dated 25.8.2015, made in W.P.Nos.26387 to 26403 of 2015, has directed the concerned respondent to consider the petitioners' representation on merits and in accordance with law, after taking note of the earlier orders, and hence, prays for similar relief.

7.The Court heard the submissions of Mr.N.Srinivasan, learned Additional Government Pleader, who accepted notice on behalf of the respondents, also.

8.Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the first respondent to consider the

petitioner's representation dated 8.6.2015, on merits and in accordance with law, after taking note of the above cited orders as well as it's own letter dated 5.3.1996, bearing No.98036, and pass orders thereon within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar (CO)

True Copy

Sub-Assistant Registrar

nsv
To:

- 1.The 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

W.P.No.32426 of 2015

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