

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.11.2016

CORAM

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P. Nos.7651 to 7680 of 2013

L.Poovalingam	.. Petitioner in WP.7651/13
V.Vilvanathan	.. Petitioner in WP.7652/13
M.Loganathan	.. Petitioner in WP.7653/13
S.Thiruvanan	.. Petitioner in WP.7654/13
S.Esakkiappan	.. Petitioner in WP.7655/13
P.Sanjeevi	.. Petitioner in WP.7656/13
N.Muthiah	.. Petitioner in WP.7657/13
M.Ganesan	.. Petitioner in WP.7658/13
B.Nawan	.. Petitioner in WP.7659/13
V.T.Sadanandam	.. Petitioner in WP.7660/13
A.Jayapandi	.. Petitioner in WP.7661/13
T.Sammandan	.. Petitioner in WP.7662/13
P.S.Nagarajan	.. Petitioner in WP.7663/13
K.Dharmalingam	.. Petitioner in WP.7664/13
D.Pandiaraj	.. Petitioner in WP.7665/13
R.Jayapal	.. Petitioner in WP.7666/13
M.Ekambaram	.. Petitioner in WP.7667/13
S.Perumal	.. Petitioner in WP.7668/13
V.Arunachalam	.. Petitioner in WP.7669/13
G.Ayyathurai	.. Petitioner in WP.7670/13
N.Jeyraman	.. Petitioner in WP.7671/13
V.Duraipani	.. Petitioner in WP.7672/13
S.Alaguraj	.. Petitioner in WP.7673/13
P.Jayamani	.. Petitioner in WP.7674/13
M.Maruthamuthu	.. Petitioner in WP.7675/13
K.Krishnan	.. Petitioner in WP.7676/13
B.Sankaran	.. Petitioner in WP.7677/13
M.Ramasamy	.. Petitioner in WP.7678/13
M.Kombiah	.. Petitioner in WP.7679/13
C.Narayanasamy	.. Petitioner in WP.7680/13

Vs

The Secretary to Government
Health and Family Welfare Department
Fort St.George,
Chennai-9.

2.The Director of Public Health & Preventive Medicine,
DMS Compound,
Annasalai, Chennai-6. .. Respondents in all the WPs

Prayer: Writ petitions filed under Article 226 of the Constitution of India praying to issue a writ of mandamus to direct the respondents to fix the seniority of the petitioners in accordance with GO.Ms.No.1936 Health & Family Welfare Department dated 29.09.1982 upheld in WP.No.13352 of 2002 dated 20.04.2007 and confirmed in SLP.(CC).No.5284 of 2009 and consequently grant all promotions with retrospective effect in accordance with the seniority with all monetary benefits with arrears in the revised scale with interest.

For Petitioner : M/s.Sasikala Subramaniam
For respondents: Mr.V.S.Ramesh, GA.

COMMON ORDER

Heard Mrs.Sasikala Subramaniam and Mr.V.S.Ramesh, learned Government Advocate appearing for the respondents 1 and 2.

2. The grievance of the petitioners is that they are working as Multi Purpose Health Supervisors in Group A(ii). As per GO.Ms.No.1936 Health and Family Welfare Department dated 29.09.1982, the seniority of Group 'A' Health Inspector was to be fixed first, thereafter the Group 'B' employees has to be given seniority. This position was upheld by this Court by an order dated 20.04.2007 in WP.No.13352 of 2002, which was confirmed by the Hon'ble Supreme Court in SLP.(CC).No.5289 of 2009.

3. The petitioners are now seeking fixation of their seniority in accordance with the GO.No.1936 dated 29.09.1982 as upheld in WP.No.13352 of 2002 dated 20.04.2007 and confirmed by the Hon'ble Supreme Court in SLP.(CC).No.5289 of 2009, and for consequential benefits with retrospective effect in these writ petitions.

4. While that being so, pending the writ petition, the first respondent had passed GO.Ms.No.206 Health and Family Welfare (L1) Department dated 14.07.2014, wherein the Block Health Supervisor in the category of Basic Health Inspector were in service on 27.08.1996, coming under Group A(ii), notionally with effect from 27.08.1996. The relevant portion of the said GO.No.206 dated 14.07.2014, is extracted hereunder :-

"8.After a detailed examination of the proposal of the Director of Public Health and Preventive Medicine as per the orders of the High Court of Madras fifth read above and the Madurai Bench of Madras High Court common order sixth read above, the Government have decided to accept the representation of the petitioners. Accordingly, the Government direct the

Director of Public Health and Preventive Medicine to give retrospective promotion as Block Health Supervisor to the category of 380 Basic Health Inspectors, who were in the service on 27.08.1996, coming under Group A(ii) and the category of 62 Health Assistants in Kanyakumari District and Sengottai Taluk, who were in service on 27.08.1996, coming under Group B(i) as per the Government order second read above, notionally with effect from 27.08.1996 i.e, the date on which their Junior Thiru.D.Dharmalingam was promoted as Block Health Supervisor."

5. Though, the grievance of the petitioners had been met through this GO, the learned counsel for the petitioners would seek for a direction to the respondents to consider the claim in the light of the GO.Ms.No.206 dated 14.07.2014. Accordingly, the petitioners are permitted to make a representation to the first respondent for fixation of their seniority, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the first respondent shall consider the same on its own merits and in accordance with law and in the light of GO.Ms.No.1936 dated 29.09.1982 and GO.Ms.No.206 dated 14.07.2014 and pass orders within a period of eight weeks, thereon.

6. With the above observation, all the writ petitions are disposed of. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

The Secretary to Government
Health and Family Welfare Department
Fort St.George,
Chennai-9.

2.The Director of Public Health & Preventive Medicine,
DMS Compound,
Annasalai, Chennai-6.

+1 cc to M/s.B.Premnarayanan,advocate,sr.63705

gmi (co)
krd 22/11

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