

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.20244 of 2016

1. V.Natarajan
2. K.Murugaiyan

.. Petitioners

vs

1. The State of Tamil Nadu rep.by its
The Director of Public Health and
Preventive Medicine
D.M.S.Compound
Chennai 600 006.
2. The State of Tamil Nadu rep.by
its Secretary to Government
Health and Family Welfare Department
Fort St.George
Chennai 600 009.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents to regularize the petitioners service in the cadre of Health Inspector with effect from the date of completion of Sanitary Inspector Course with all consequential monetary and other benefits as covered and directed vide order of this Court dated 13.07.2007 passed in W.P.No.29794 of 2005 and etc.batch and confirmed by the Hon'ble Apex Court in Civil Appeal No.6660 of 2011 batch dated 25.02.2015.

For Petitioner : Mr.K.M.Vijayan Associates

For Respondents : Mr.M.S.Ramesh, AGP

ORDER

By consent, the writ petition is taken up and disposed of at the admission stage itself.

2. Mr.M.S.Ramesh, learned Additional Government Pleader takes notice on behalf of the respondents.

3. The prayer in the writ petition is for the issuance of writ of mandamus to direct the respondents to regularize the petitioners service in the cadre of Health Inspector with effect from the date of completion of Sanitary Inspector Course with all consequential monetary and other benefits as covered and directed vide order of this Court dated 13.07.2007 passed in W.P.No.29794 of 2005 and etc.batch and confirmed by the Hon'ble Apex Court in Civil Appeal No.6660 of 2011 batch dated 25.02.2015.

4. The case of the petitioners in brief is as follows:

(i) The petitioners were initially appointed as Basic Health Workers in the second respondent-Department; subsequently they completed the Sanitary Inspector Course and thereafter on attaining the age of superannuation got retired on 31.03.2008 and 31.03.2002 respectively. The grievance of the petitioners is that though they have completed the Sanitary Inspector Course, their names were not considered for promotion.

(ii) The further contention of the petitioners is that, a similarly placed person filed O.A.before the Tamil Nadu Administrative Tribunal and in the said application direction was issued to regularize the service of the said person in the post of Health Inspector from the day he become eligible to be promoted. Following the same, several other persons also filed O.A.before the Tribunal and based on the direction issued by the Tribunal the Government issued G.O.(D) No.359, Health and Family Welfare(N2) Department dated 26.04.2004. Even though the order of the Tribunal had become final, the respondents have failed to implement the said procedure to the other similarly placed persons. Therefore, another group of persons filed W.P.No.29749 of 2005 and etc.batch and this Court vide order dated 13.07.2007, directed the respondents to regularize the services of the petitioners therein with retrospective effect and give promotion to them. In the case of the retired persons, this Court held that those persons are also entitled to regularization from the date of they acquired the qualification and directed the respondents to give consequential monetary benefits to the retired persons.

(iii) Aggrieved by the said order, the Department preferred appeal in Civil Appeal No.6660 of 2011 and etc batch and the Hon'ble Apex Court vide order dated 25.02.2015 confirmed the order passed by the Division Bench of this Court.

(iv) Now the prayer of the petitioners before this Court is that since they have already retired from service on attaining the age of superannuation, the respondents may be directed to regularize the services of the petitioners and also give

consequential monetary benefits to them in the light of the aforesaid orders passed by this Court and as confirmed by the Hon'ble Apex Court by considering their representation dated 04.05.2015.

5. The learned Additional Government Pleader appearing on behalf of the respondents would submit that the representation of the petitioners is already pending before the respondents, the first respondent may be directed to consider and dispose of the same within a stipulated time as may be fixed by this Court.

6. Having regard to the submissions made on either side and in the light of the orders passed by this Court and the Hon'ble Apex Court, the first respondent is directed to consider the representation of the petitioners dated 04.05.2015 and pass appropriate orders on merits and in accordance with law, as expeditiously as possible, as they have already attained the age of superannuation.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vj2

To

1. The Director of Public Health and Preventive Medicine
State of Tamil Nadu, D.M.S.Compound
Chennai 600 006.
2. The Secretary to Government of Tamil Nadu
Health and Family Welfare Department
Fort St.George, Chennai 600 009.

1 cc to M/s.K.M.Vijayan Associates, Advocates, sr.33055
1 cc to Government Pleader, sr.33299

W.P.No.20244 of 2016

mg co
kra 12.07.2016