

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.5152 of 2017

S. Dhandayuthapani

.. Petitioner

Vs.

1. The Principal Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai 600 009

2. The Director of Public Health and Preventive Medicine
D.M.S.Compound,
Anna Salai, Chennai-6. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus direct the 2nd respondent to consider the representation of the petitioner dated 19.4.2016 for retrospective promotion to the post Block Health Supervisor with effect from 27.8.1996 the date on which his immediate junior was promoted and to pass orders within a stipulated period.

For Petitioner : M/s. R. Prem Narayan

For Respondents : Mr.P. Chinnadurai, GA

ORDER

By consent, the writ petition is taken up for final disposal. Mr.P.Chinnadurai, learned Government Advocate accepts notice on behalf of the respondents.

2 The petitioner who was promoted to the post of Health Inspector on 01.05.1971, retired from service on 30.04.1999. According to the petitioner, with regard to the seniority fixed among the Health Inspector [Multi Purpose Health Supervisors], G.O.Ms.No.225 of the 1st respondent dated 17.07.2012, came to be passed in compliance of the orders passed by this Court dated 20.04.2007 made in WP.No.13352/2002 and in this regard, the 2nd respondent vide proceedings dated 02.11.2012 in R.No.64691/MP2/S1/2002, had passed appropriate orders as to the fixation of the pay of the individuals concerned in the post of Block Health Supervisors in the Tamil Nadu Public Health

Subordinate Service notionally as per FR 27[17] with effect from 27.08.1996 [the date of promotion of their junior Thiru B.Dharmalingam, as Block Health Supervisor on 27.08.1996] in the scale of pay of Rs.5300-150-8300 without monetary benefit and discrepancies. The grievance expressed by the petitioner is that he is also entitled to the benefit of the said proceedings and in this regard, has also submitted a representation dated 19.04.2016 to the Deputy Director of Health Services, Thanjavur, who vide letter dated 07.11.2016 in Na.Ka.No.8324/A2/2012, has forwarded the same to the 2nd respondent along with the relevant records, for appropriate action and since no steps have been taken to confer the said benefit, the petitioner is constrained to approach this Court by filing the present writ petition.

3 Heard the learned counsel appearing for the petitioner and Mr.P.Chinnadurai, learned Government Advocate appearing for the respondents.

4 Though the petitioner has 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 2nd respondent to act on the communication of the Deputy Director of Health Services, Thanjavur, dated 07.11.2016 in Na.Ka.No.8324/A2/2012 and pass appropriate orders on merits and in accordance with law within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

5 The writ petition stands disposed of with the above direction. No costs.

AP

Sd/-

Assistant Registrar (CS VI)

/TRUE COPY/

Sub-Assistant Registrar

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To

1. The Principal Secretary to Government,
Health and Family Welfare Department,
Fort St. George
Chennai 600 009

2. The Director of Public Health and Preventive Medicine
D.M.S.Compound, Anna Salai,
Chennai-6.

3. The Deputy Director of Health Services,
Thanjavur.

+1 CC to Govt. Pleader SR.NO.13557

+1 CC to Mr.R.PREM NARAYAN Advocate SR.NO.13169

W.P.No.5152 of 2017

KK[CO]
MK:14/03/2017



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