

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 01.02.2017
CORAM:
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
W.P.No.2335/2017

A.Rajapushpam

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Petitioner

Vs

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

2.The Director of Public Health & Preventive
Medicine, DMS Compound, Teynampet,
Chennai.

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Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 2nd respondent to consider the petitioner represented dated 09.11.2016 for granting of selection grade to the post of Community Health Nurse with effect from 04.11.1998 and Special Grade in the post of Community Health Nurse with effect from 04.11.2008 and pass orders within a stipulated period of time.

For Petitioner : Mr.R.Prem Narayan
For RR 1 & 2 : 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 would aver that she was working as Community Health Nurse at Government Primary Health Centre, Vallanadu, Tuticorin District, which comes under the control of the 2nd respondent and retired from service on attaining the age of superannuation on 30.04.2011. According to her, she was initially appointed as Health Visitor on 21.08.1974 and her services were regularised in the said post with effect from the date of her initial appointment and was awarded selection grade in the post of Health Visitor on 21.09.1984. It is further averred by the petitioner that as per G.O.Ms.No.1986, Health and Family Welfare Department, issued in the year 1982, the post of Selection Grade Health Visitor was re-designated as Selection Grade Sector Health Nurse with effect from 04.11.1988 and the petitioner was accordingly, re-designated and the post of Community Health Nurse is the promotional post to Sector Health

Nurse and the petitioner got her promotion as Community Health Nurse on 26.12.1996. The petitioner claims that the Selection grade pay of Sector Health Nurse is identical to the ordinary grade pay of the promotional post of Community Health Service and as such, she is entitled to count the service rendered by her as Selection Grade Sector Health Nurse for the purpose of awarding Selection Grade in the post of Community Health Nurse.

3 The petitioner would further aver that the issue is also covered by G.O.[D] No.1188 of the 1st respondent dated 18.09.2007 and in similar facts and circumstances, the said benefit has also been conferred upon one Tmt.Sarojamma, vide proceedings of the 2nd respondent dated 17.10.2007 in Na.Ka.No.11355/A3/2007 and the petitioner, in this regard, the petitioner has also submitted a representation dated 09.11.2016 to the 2nd respondent and though it was received and acknowledged, no orders have been passed and hence, the petitioner came forward to file the present writ petition.

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

5 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 same, directs the 2nd respondent to consider and dispose of the petitioner's representation dated 09.11.2016 on merits and in accordance with law and pass orders 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.

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

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

AP

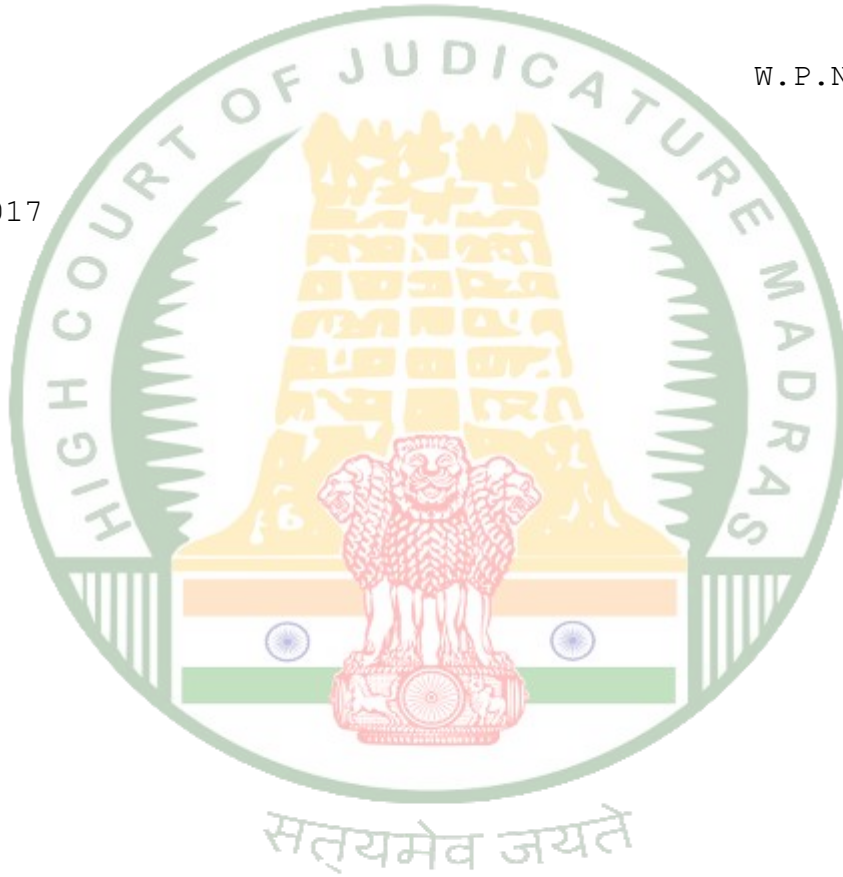
To

- 1.The Principal Secretary to Government
Health & Family Welfare Department
Fort St. George, Chennai 600 009.
- 2.The Director of Public Health & Preventive
Medicine, DMS Compound, Teynampet,
Chennai.

+1 cc to Mr.R.Prem Narayan Advocate sr 6282

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