



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.13106 of 2017

A.Govindan

... Petitioner

vs.

1.The State of Tamil Nadu,
rep. by its Principal Secretary,
Health and Family Welfare (N1) Department,
Fort St. George, Chennai.

2.The Director of Public Health
and Preventive Medicine,
O/o. The Director of Public Health
and Preventive Medicine,
Chennai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondent No.2 to provide promotion to the Basic Health Inspector with effect from 10.12.1969 and absorbed as Multipurpose Health Supervisor with effect from 04.11.1988 and to the post of Block Health Supervisor with effect from 19.06.2003 and to the post of Technical Personnel Assistant to the Deputy Director of Health Services with effect from 11.04.2008 with retrospective effect in accordance with the seniority with all monetary benefits with arrears in the revised scale of refixation with pensionary benefits, within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.K.Guru
Additional Government Pleader

O R D E R

By consent of both sides, this writ petition itself is taken up for final disposal.

2. The petitioner after serving as Basic Health Inspector from 10.12.1969 was absorbed as Multi Purpose Health Assistant on 04.11.1988 under the Multipurpose Health Workers Scheme, as per G.O.Ms.No.2152 Health, Indian Medicine & Homeopathy and Family



Welfare Department, dated 04.11.1988. Subsequently, he was awarded with special grade in the post of Multipurpose Assistant on 30.09.1990. Thereafter, by virtue of G.O.Ms.No.593, Health and Family Welfare (N2) Department, dated 11.09.1995, redesignated as Special Grade Health Inspector Grade II and thereupon, he was also promoted as multipurpose Health Supervisor, and redesignated as Health Inspector Grade I vide the order passed in R.No.139500/MPV/95/S2-13 dated 25.09.1995 by the Director of Public Health and Preventive Medicine. Thereafter, he was given promotion as Block Health Supervisor on 29.02.2008 and on 30.06.2009, he retired from service on attaining the age of superannuation. In this background, the claim of the petitioner is that although he possess the requisite qualification for the post of Basic Health Inspector at the time of his initial appointment to the post of Basic Health Worker, he was not given due promotion as Basic Health Inspector and only after 25 years of service, he was given Basic Health Inspector and redesignated as Health Inspector Grade I. But if timely promotion is given, he would have enjoyed promotion to the post of Basic Health Inspector with effect from 10.12.1969 and he would have been given service benefits. Therefore, he has given a representation on 06.08.2016 to the respondents praying to provide promotion to the Basic Health Inspector with effect from 10.12.1969 and absorbed as multipurpose Health Supervisor with effect from 04.11.1988 and to the post of Block Health Supervisor on 19.06.2003 and also to the post of Personnel Assistant to the Deputy Director of Health Services with effect from 11.04.2008 with retrospective effect. Since the said representation has not been considered, the petitioner is before this Court.

3. The learned counsel for the petitioner drawing the attention of this Court to a proceeding dated 22.12.2014 submitted that several persons were given promotion as Block Health Supervisor in Tamil Nadu Public Health Service retrospectively with effect from 27.08.1996, therefore, the learned counsel would submit that the same benefit may be extended to the petitioner also.

4. However, this Court is not inclined to accept the prayer of the petitioner, in view of the huge and unexplained delay. The reason is that the petitioner retired from service on reaching the age of superannuation seven years ago, namely on 30.06.2009. After his retirement, it is his own admission that for the first time, he has given his representation on 06.08.2016. Therefore, such a stale claim cannot be entertained under Article 226 of the Constitution of India. Therefore, the petitioner, who is guilty of laches, is not entitled to relief as prayed for.



5. In view of the above, the writ petition fails and the same is, accordingly, dismissed. No costs.

Sd/-

Assistant Registrar(AE)

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/True Copy/

Sub Assistant Registrar

To

1.The Principal Secretary,
Government of Tamil Nadu
Health and Family Welfare (N1) Department,
Fort St. George, Chennai.

2.The Director of Public Health
and Preventive Medicine,
O/o. The Director of Public Health
and Preventive Medicine,
Chennai.

+1cc to M/S.T.LAJAPATHI ROY, Advocate SR.No.65941

+1cc to Special Government Pleader, SR.No. 66147

Mrn/RR

MAS/SKN-RSK/SAR2:29.08.2017:3P-5C

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