

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.02.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.3870 of 2018 and
WMP.No.4749 of 2018

1. G.Venkatesan
2. A.Malarvizhi
3. K.Jai Ganesh
4. M.Shanmugam
5. A.P.Subramanian

...Petitioners

Versus

1. The State of Tamil Nadu
rep. by its Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai-9.
 2. The Director of Public Health and Preventive Medicine,
Anna Salai, DMS Compound, Teynampet,
Chennai-6.
- ... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to pass orders on the proposal forwarded by the 2nd respondent in R.No.92662/E2/S1/2016 dated 11.04.2017 and to pass orders to count the past services rendered by the petitioners in the post of Lab Technician Grade III from 29.11.2008 as duty period for the purpose of increment and other service benefits, within a time frame to be fixed by this Court.

For Petitioners : Mr.G.Sankaran
For Respondents : Mr.V.Kadhirvelu,
Special Government Pleader

W R I T
O R D E R

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 1st respondent to pass orders on the proposal forwarded by the 2nd respondent in R.No.92662/E2/S1/2016 dated 11.04.2017 and to pass orders to count the past services rendered by the petitioners in the post of Lab Technician Grade III from 29.11.2008 as duty period for the purpose of increment and other service benefits, within a stipulated period.

2. Learned Counsel for the petitioners submitted that the petitioners were originally appointed as Lab Technician/Lab Supervisor in Revised National Tuberculosis Control Programme (RNTCP) on consolidated pay from the year 2000. However, seeing their performance, on completion of 5 years, the petitioners and others working as Lab Technician/Lab Supervisor in RNTCP have been appointed in the post of Lab Technician Grade-III in Public Health Department in regular time scale of pay as per G.O.Ms.No.335, Health and Family Welfare Department, dated 15.10.2008. Thereafter, the petitioners and others, while serving as Lab Technician Grade-III in Public Health Department have been reverted to the post of Lab Technician/Lab Supervisor in RNTCP on the basis of G.O.Ms.No.242, Health and Family Welfare (G) Department, dated 27.7.2012. This was questioned in W.P.No.25147/2012 etc. batch in which this Court directed the respondents to conduct a Special Examination for 188 Lab Technicians Grade III appointed from the post of Lab Technician/Lab Supervisor in RNTCP and this order was confirmed by a Division Bench of this Court in W.A.No.2727/2013 dated 8.4.2013. Consequently, the Government issued G.O.Ms.No.41, Health and Family Welfare (EAP II-2) Department, dated 13.2.2014 to conduct a Special Examination for all these 188 Lab Technicians/Lab Supervisors who were reverted from the post of Lab Technician Grade III in the Public Health Department. Finally, they took part in the Special Examination conducted on 10.6.2014 and thereafter they were all issued with posting orders dated 14.7.2014 by the 2nd respondent.

3. Now the grievance of the petitioners is that the services rendered by them as Lab Technician Grade III in the regular time scale of pay in the Public Welfare Department during the period between August, 2008 and July, 2012 in the Department of Public Health and Preventive Medicine and on consolidated pay in RNTCP from August, 2012 to July 2014 shall be considered as continuous duty period for the purpose of future increment in the post of Laboratory Technician Grade III. The said claim of the petitioners were considered and a proposal also has been given by the Director of Public Health and Preventive Medicine on 11.4.2017 to the Principal Secretary to Government, Health and Family Welfare Department in R.No.92662/E2/S1/2016 dated 11.4.2017. But, the said proposal has not been considered by the 1st respondent till date. Therefore, the petitioners sought a direction to the 1st respondent to consider and pass orders on the said proposal.

4. Mr.V.Kadhirvelu, learned Special Government Pleader, who takes notice for the respondents 1 and 2, sought for sufficient time to consider the said proposal.

5. In view of the limited prayer made in the Writ Petition and also taking into account the submission of the learned Special Government Pleader appearing for the respondents, this Court directs the 1st respondent to consider the Proposal sent by the 2nd respondent dated 11.4.2017 and pass orders on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this Order. No costs. Consequently, connected Miscellaneous Petition is also closed.

6. The Writ Petition is disposed of accordingly.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government,
State of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai-9.
2. The Director of Public Health and Preventive Medicine,
Anna Salai, DMS Compound, Teynampet,
Chennai-6.

+1cc to Mr.G.SANKARAN, Advocate, S.R.No. 13441

+1cc to the Government Pleader, S.R.No. 14081

सत्यमेव जयते

W.P.No.3870 of 2018

TR(12/03/2018)

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