

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.2.2018

CORAM

**THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.A.No.470 of 2018
and
C.M.P.No.4330 of 2018**

1. R.Narayanasamy
2. M.Manoharan

Appellants

Versus

1. G.Gopal
2. The State of Tamil Nadu,
rep. by its Secretary,
Health and Family Welfare Department,
Fort St. George, Chennai 600 009.
3. The Director of Public Health
& Preventive Medicine,
Teynampet, Chennai 600 006.

Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 1.3.1016 passed in W.P.No.29553 of 2014 on the file of this court.

For appellants : Mr.Om Prakash, Senior Counsel for
M/s.Ramalingam Associates

For RR2 and 3 : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned Senior Counsel appearing for the appellants and Mr.P.S.Sivashnamugasundaram, learned Special Government Pleader, who takes notice on behalf of respondents 2 and 3.

2. The writ appeal has been filed by the appellants, who claim to hold the post of Health Inspector Grade I and became eligible for promotion to the post of Non-Medical Supervisor, on the ground that their interest is prejudiced by the order passed in the writ petition without any opportunity to have their say by way of impleading them in the writ petition.

3. In para 23 of the order, the learned Single Judge has observed as under:-

"In the result, I am not inclined to interfere with G.O.Ms.No.347, Health and Family Welfare Department dated 29.10.2014 and at the same time, as stated above, a direction is issued to the official respondents to permit the senior Health Inspectors Grade-I, who are also serving as Block Health Supervisors, to exercise option to come to the post of Non Medical Supervisors and to undergo training for one month of being posted as Non Medical Supervisors from Block Health Supervisors or to continue in the post of Block Health Supervisor. The official respondents are also directed to issue appropriate

proceedings within a period of one month from the date of receipt of a copy of this order for giving option setting deadline, as stated above."

4. The grievance of the appellants is that their case has not been considered since they were not arrayed as party in the other proceedings. However, they claim that they come within the zone of consideration and because of the order passed by the learned Single Judge, the scope for consideration of their case is getting affected. If the appellants are, otherwise, found eligible and come within the zone of consideration, there cannot be any impediment for the official respondents in considering the case of the appellants also for the promotion to the post of Non Medical Supervisors. The official respondents are directed accordingly to consider the case of the appellants on par with other persons and their grievance could be met with after giving opportunity to the other candidates whose interest is involved in the matter, to have their say. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

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(H.G.R.,J.)(M.D.I.,J.)

27.2.2018.

Index:Yes/No
Internet:Yes/No
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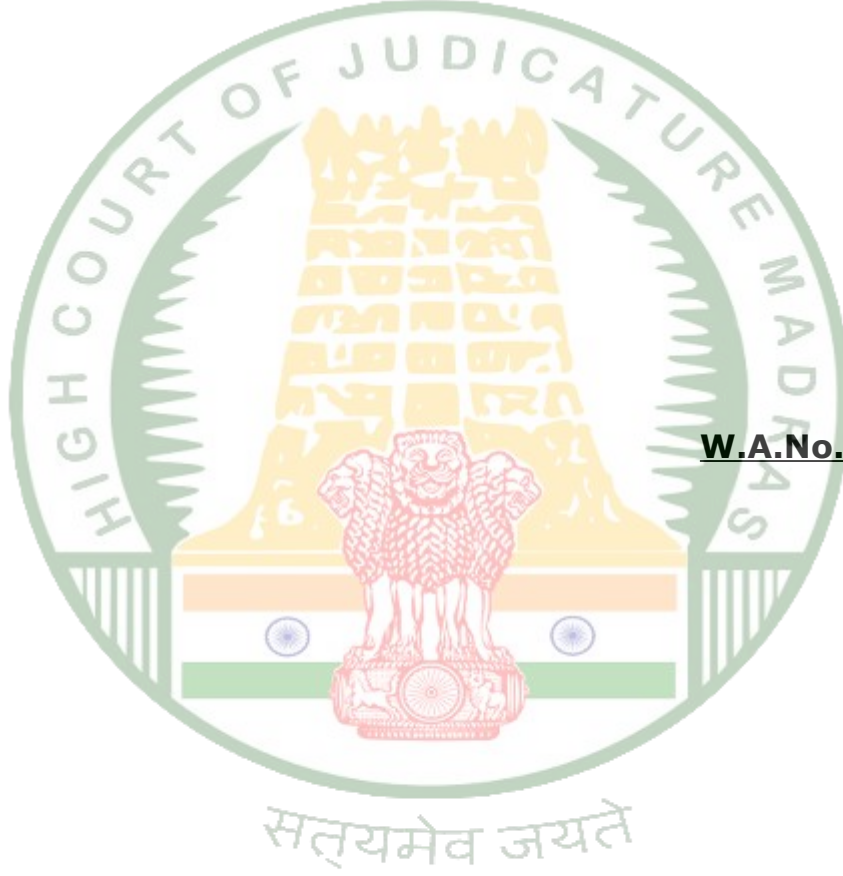
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