

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.1144 of 2019
and
W.M.P.No.1299 of 2019

S.S.Sivakumar

... Petitioner

Vs

1.State of Tamil Nadu,
Rep.by its Secretary,
Department of Public Health & Family Welfare,
Fort St.George,
Chennai - 600 009.

2.The Director of Public Health & Preventive Medicine,
D.M.S.Compound,
Teynampet,
Chennai - 600 006.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus, directing the respondents to appoint the petitioner to the post of Health Inspector Grade-II.

For Petitioner : Mr.R.Thirumoorthy

For Respondents : Mr.R.S.Selvam
Government Advocate

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ORDER

The petitioner has come up with this writ petition seeking a direction to the respondents to appoint him to the post of Health Inspector, Grade-II.

2. The learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondents jointly submitted that the issue involved in this writ petition

is squarely covered by the earlier order of this Court dated 02.03.2016, in W.P.Nos.7616 to 7618 of 2016, the operative portion of which, reads as follows:-

"5.It is an admitted fact that the petitioners have registered their names in the Employment Exchange and their juniors were considered for the post of Health Inspector Grade II, over looking the seniority maintained in the Employment Exchange. In Sureshkumar's case (WP.No.29137 of 2015 dated 16.10.2015), this Court has given a specific direction to the respondents therein to appoint the petitioner therein as Health Inspector Grade-II in the light of the G.O.Ms.No.305, dated 22.9.2009, by taking into consideration paragraph No.8 of the said order and has also given liberty to the petitioner therein to submit a representation to the respondents 1 and 2 therein with regard to the Seniority and other consequential benefits, which may arise out of the said order, and on receipt of the same, the respondents therein are directed to consider and pass orders. It is relevant to extract paragraphs 11 and 12 of the said order, which read as follows:

"11.In the result, the writ petition is allowed and the impugned order dated 20.9.2011, passed by the second respondent, is set aside and the respondents 1 and 2 are directed to appoint the petitioner as Health Inspector Grade-II in the light of the G.O.Ms.No.305 of the first respondent dated 22.9.2009, by taking into consideration paragraph No.8 of the said order and are further directed to complete the said exercise within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

12.Insofar as the seniority and other consequential benefits, which may arise out of this order, the petitioner is at liberty to submit a representation to the respondents 1 and 2 within a period of two weeks from the date of receipt of a copy of this order and the respondents on receipt of the same, are directed to consider it on merits and in

accordance with law, after putting on notice, the persons concerned, and pass orders thereon within a period of eight weeks thereafter and communicate the decision taken, to the petitioner as well as to the persons concerned. No costs. Consequently, connected miscellaneous petition is closed."

6. Since the petitioners herein are also similarly placed persons as that of the petitioner in the above said writ petition, their cases should also be considered by the respondents in the light of the G.O.Ms.No.305, dated 22.9.2009. Accordingly, following the above said order, these writ petitions are allowed and the respondents are directed to appoint the petitioners as Health Inspector Grade-II, in the light of the G.O.Ms.No.305 of the first respondent dated 22.9.2009, by taking into consideration paragraph No.8 of the above said order, if they are otherwise qualified. The respondents are further directed to complete the said exercise within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioners.

7. Insofar as the seniority and other consequential benefits, which may arise out of this order, subject to the eligibility of the petitioners, the petitioners are at liberty to submit a representation to the respondents within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents are directed to consider it on merits and in accordance with law, after putting on notice to the persons concerned, and pass orders thereon within a period of eight weeks thereafter and communicate the decision taken to the petitioners as well as to the persons concerned. No costs. Consequently, connected miscellaneous petitions are closed."

3. Following the aforesaid order, this writ petition stands disposed of, directing the respondents to consider the case of the petitioner and appoint him to the post of Health Inspector Grade-II, in the light of G.O.Ms.No.305, dated 22.9.2009, more particularly, paragraph No.8 of the said G.O, if he is otherwise

qualified. The said exercise shall be completed by the respondents, within a period of eight weeks from the date of receipt of a copy of this order. Insofar as the seniority and other consequential benefits, subject to the eligibility of the petitioner, the petitioner is at liberty to submit a representation to the respondents, on receipt of the order as directed by this Court and the respondents are directed to consider it on merits and in accordance with law, after putting on notice to the persons concerned, and pass orders thereon within a period of eight weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
State of Tamil Nadu,
Department of Public Health & Family Welfare,
Fort St.George, Chennai - 600 009.
2. The Director of Public Health & Preventive Medicine,
D.M.S.Compound,
Teynampet, Chennai - 600 006.

+lcc to Mr.R.Thirumoorthy, Advocate, S.R.No.8883
+lcc to the Government Pleader, S.R.No.9156

W.P.No.1144 of 2019
and
W.M.P.No.1299 of 2019

CS/25/03/2019

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