

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2019

CORAM

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

W.P.Nos.18617 to 18631 of 2015

1 A.GOVINDAN ... PETITIONER in WP No.18617 of 2015
1 S.NAMASIVAYAM ... PETITIONER in WP No.18618 of 2015
1 T.JOHN SAMUVEL ... PETITIONER in WP No.18619 of 2015
1 M.PITACHAI ... PETITIONER in WP No.18620 of 2015
1 K.KARUPPIAH ... PETITIONER in WP No.18621 of 2015
1 E.SANKARALINGAM ... PETITIONER in WP No.18622 of 2015
1 G.KAMATCHI ... PETITIONER in WP No.18623 of 2015
1 R.RENGANATHAN ... PETITIONER in WP No.18624 of 2015
1 S.PANDI ... PETITIONER in WP No.18625 of 2015
1 K.AYYAVOO ... PETITIONER in WP No.18626 of 2015
1 R.JOTHI ... PETITIONER in WP No.18627 of 2015
1 A.KARUPPIAH ... PETITIONER in WP No.18628 of 2015
1 A.PONNU ... PETITIONER in WP No.18629 of 2015
1 S.BALASUBRAMANIAN ... PETITIONER in WP No.18630 of 2015
1 S.SHANTHA ... PETITIONER in WP No.18631 of 2015

Vs.

1.The Director of Public Health and Preventive Medicine
D.M.S. Compound
Chennai-600 006.

2.The State of Tamil Nadu
Rep. by its Secretary to Government
Health and Family Welfare Department
Fort St.George, Chennai-600 009. ...Respondents in all W.Ps

Writ Petition No.18617 of 2015 filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to retrospectively promote the petitioner in the cadre of Health Inspector with effect from January 1992 and consequently, regularize his services in the above post with all monetary and other consequential service benefits, as was done in the case of Mr.A.Ramalingam in G.O.(D) No.359 Health and Family Welfare Department dated 26.04.2004, which is covered under order dated 13.07.2007 in W.P.No.29794 of 2005 etc., batch and confirmed by the Hon'ble Supreme Court of India in Civil Appeal No.6660 of 2011 and batch dated 25.02.2015.

Prayer in W.P.No.18618 to 18631/2015:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Respondents to retrospectively promote the Petitioner in the Cadre of Health Inspector with effect from June 1980, April 1975, June 1980, January 1992, January 1981, November 1990, January 1981, January 1992, November 1990, June 1974, June 1976, April 1977, June 1977 and April 1973 respectively and consequently regularize his/her Services in the above post with all monetary and other consequential service benefits, as was done in the case of Mr.A.Ramalingam in G.O(D) No. 359, Health and Family Welfare Department dated 26.04.2004, which is covered under order dated 13.07.2007 in W.P.No.29794/2005 etc and confirmed by the Hon'ble Supreme Court of India, in Civil Appeal No. 6660/2011 and batch dated 25.02.2015.

For Petitioner in all W.Ps. : Mr.C.V.Ramachandra Murthy

For Respondents in all W.Ps.: Mr.P.S.Sivashanmuga Sundaram
Special Government Pleader

C O M M O N O R D E R

These writ petitions have been filed seeking for issuance of writ of mandamus directing the respondents to retrospectively promote the petitioners in the cadre of Health Inspector with effect from the date on which the Petitioners' juniors/counterparts have been granted monetary benefits and consequently, regularize their services in the above post with all monetary and other consequential service benefits, as was done in the case of Mr.A.Ramalingam in G.O.(D)No.359 Health and Family Welfare Department dated 26.04.2004, which is covered under order dated 13.07.2007 in W.P.No.29794 of 2005 etc. batch and confirmed by the Hon'ble Supreme Court of India in Civil Appeal Nos.6660 of 2011 etc. batch, dated 25.02.2015, and to grant monetary benefits to the legal heirs of the deceased Petitioners.

2. As the issue involved in all these writ petitions is one and the same, they are taken up for disposal by a common order.

3. When the matter is taken up for hearing, it is submitted by the learned counsel for the petitioners that the petitioners have restricted their claim regarding the ***disposal of their representations**, which has to be considered by the authorities in terms of G.O.(D).No.359 Health and Family Welfare Department dated 26.04.2004, if it is applicable. He further submitted that the similar prayer sought for by other petitioners had already been considered by this Court on 28.08.2017 in WP.No.4776 to 4802 of 2016. He also submitted that the authorities may be directed to consider the request of the petitioners, and take a decision within a period of four weeks from the date of receipt of a copy of this order, as the writ petitions are pending from the year 2015.

4. Since the prayer sought for in these writ petitions has been restricted, in view of the Government Order in G.O.(D).No.359 Health and Family Welfare Department, dated 26.04.2004 and also in the light of the order of a Division Bench of this Court dated 13.07.2007 made in W.P.Nos.29794 of 2005, etc., batch and the judgment dated 25.02.2015 passed by the Apex Court in Civil Appeal Nos.6660 of 2011 etc., batch, the Respondents herein shall consider the representation made by the Petitioners herein and pass appropriate orders on the same within a period of eight (8) weeks from the date of receipt of a copy of this order, if the representation had already not been disposed of.

Accordingly, these Writ Petitions are disposed of. No costs.

-s/d-

Assistant Registrar(CCC)

Dated: 18.09.2019

*** Corrected as per order dated 12.02.2020 in W.P.No.18617 to 18631/2015**

Sd/- Assistant Registrar(CS-VI)

Dated: 15.10.2020

True Copy

Sub-Assistant Registrar

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To

1.The Director of Public Health and
Preventive Medicine
D.M.S. Compound
Chennai-600 006.

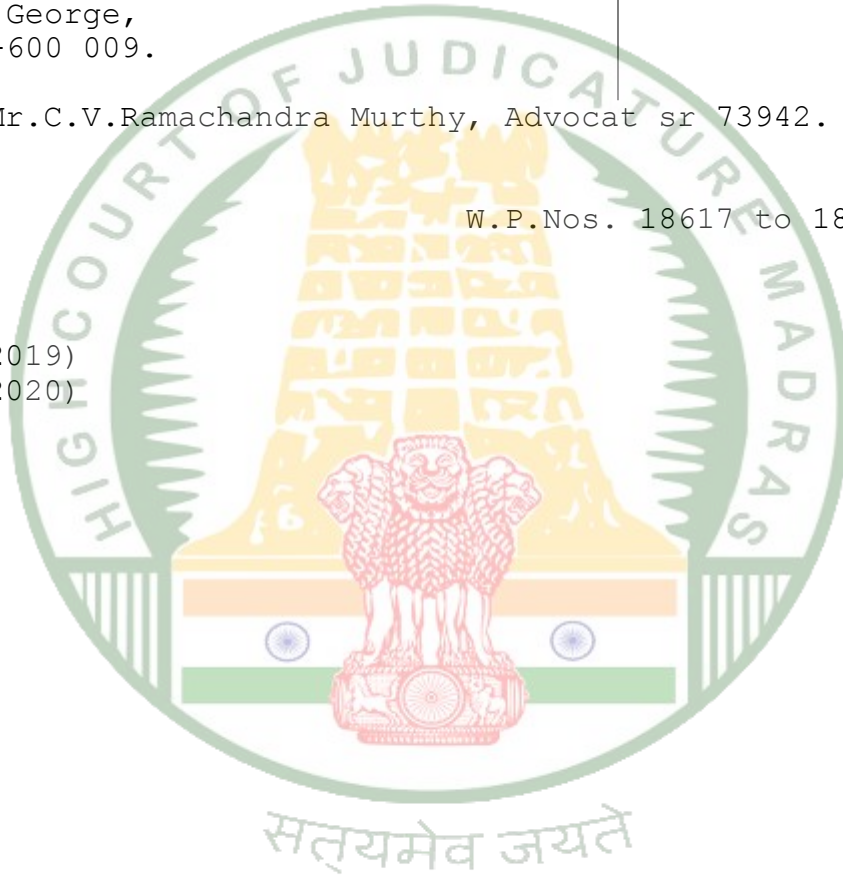
2.The Secretary to Government
State of Tamil Nadu
Health and Family Welfare Department
Fort St.George,
Chennai-600 009.

+1 CC to Mr.C.V.Ramachandra Murthy, Advocate sr 73942.

To be substituted
to the order already
despatched on
12.02.2020

W.P.Nos. 18617 to 18631 of 2015

GJII (CO)
SP(20/09/2019)
SP(16/10/2020)



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