

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2019

CORAM

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

W.P.Nos.18743 to 18751 of 2015

D.Narayana Moorthy
S/o.K.A.Duraisamy ..Petitioner in W.P.No.18743 of 2015
V.Adimoolam ..Petitioner in W.P.No.18744 of 2015
S.Krishnan ..Petitioner in W.P.No.18745 of 2015
M.J.Amalorpava singh..Petitioner in W.P.No.18746 of 2015
S.M.Ahemed John ..Petitioner in W.P.No.18747 of 2015
S.Nanduram ..Petitioner in W.P.No.18748 of 2015
M.Perumal ..Petitioner in W.P.No.18749 of 2015
D.Ananda Rao ..Petitioner in W.P.No.18750 of 2015
P.Subramanian ..Petitioner in W.P.No.18751 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

Writ Petition No.18743 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 June 1972 22.11.1979 Jan 1976, June 1975, June 1974, Jan 1978 April 1970 June 1976 and April 1976 respectively 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.

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/counter-parts 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.

Sd/-
Assistant Registrar(CS VI)

***corrected as per order of
this Court dated 12.02.2020
and made in W.P.Nos.18743
to 18751 of 2015**

-s/d-

Assistant Registrar(CS)

dt 15/10/2020

//True Copy//

Sub Assistant Registrar

mk
To

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.

For the order already

despatched on 18/11/19

+lcc to Mr.C.V.Ramachandra Murthy , Advocate SR.No. 73946
W.P.Nos.18743 to 18751 of 2015

rv

A.SK(09/10/2019)

A.SK(15/10/2020)