

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 24.07.2019

CORAM

THE HON'BLE MR. JUSTICE V.PARTHIBAN

Writ Petition No.21745, 21746, 21747,
21749, 21751, 21752 & 21753 of 2019

K.M.CHINNAPPAN ... PETITIONER in WP No.21745 of 2019
D.ANTHONY CRUSE ... PETITIONER in WP No.21746 of 2019
M.V.RAMALINGAM ... PETITIONER in WP No.21747 of 2019
C.K.RAMASAMY ... PETITIONER in WP No.21749 of 2019
M.PAKKIRISAMY ... PETITIONER in WP No.21751 of 2019
M. KOTHANDAN ... PETITIONER in WP No.21752 of 2019
S.SANTHANAM ... PETITIONER in WP No.21753 of 2019

Vs.

- 1.THE PRINCIPAL SECRETARY TO GOVERNMENT,
HEALTH AND FAMILY WELFARE DEPARTMENT,
FORT ST.GEORGE, CHENNAI - 600 009.
- 2.THE DIRECTOR OF PUBLIC HEALTH AND
PREVENTIVE MEDICINE,
D M S COMPOUND, ANNA SALAI,
CHENNAI - 600 006.

...RESPONDENTS

This Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the respondents to consider the representation dated 13.06.2019, 17.06.2019, 12.06.2019, 18.06.2019, 14.06.2019 & 13.06.2019 and 12.06.2019 respectively within a time limit as may be fixed by this Hon'ble Court.

For Petitioner : Mr.A.Thiagarajan, Sr.Counsel
in all W.Ps.

For Respondents : Mr.J.Pothiraj, Spl.G.P.
in all W.Ps.

ORDER

In all the writ petitions, the common issue is as to whether the petitioners were entitled to be promoted as Block Health Supervisors for the panel year 2006-07. Infact, all the petitioners were retired on attaining the age of superannuation in the year 2007 and according to them, they ought to have been considered for promotion as Block Health Supervisors for the year 2006-07.

2.From the averments, as contained in the affidavits filed in support of the writ petitions, this Court does not find any cause of action arising presently, prompting the writ petitioners to approach this Court in the year 2019 for the relief to be claimed with effect from 2006-07.

3.Even assuming that the petitioners have a right to be considered for promotion, the same cannot be sought after a period of 13 years, that too, many years after their retirement. The writ petitions appear to be speculative in nature and if any direction is issued, at the instance of the petitioners herein, the same would result in administrative dislocation and the respondents cannot be expected to go back in time of 13 years and cause promotion to these petitioners, which will have far reaching financial implications. The petitioners having slept over their rights for all these years cannot expect this Court to extend its helping hand in granting any relief, when admittedly, the cause of action arose in the year 2006-07 and no explanation has been forthcoming in the affidavits as to why these petitioners have kept quiet for all these years. Therefore, this Court is of the view that the claim is extremely and hopelessly belated and therefore, the writ petitions are liable to be dismissed.

4.For the above said reasons, this Court does not think that the writ petitions can be entertained and hence, the same are dismissed. No costs.

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

mrm/msk

To

1.The Principal Secretary to Government,
Health and Family Welfare Department,
Fort St.George, Chennai - 600 009.

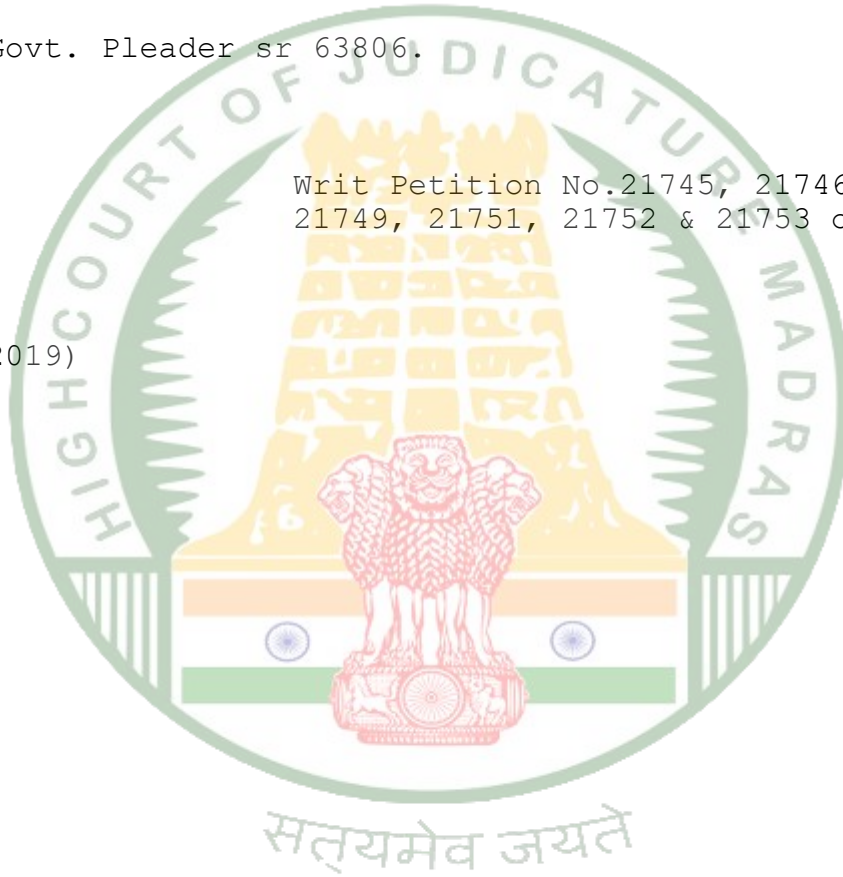
2.The Director of Public Health and
Preventive Medicine,
D M S Compound, Anna Salai,
Chennai - 600 006.

+6 Ccs to M/s.R. Lakshmi Narayanan, Advocate sr 63190 to 63194,
63196.

+1 CC to Govt. Pleader sr 63806.

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RSI(CO)
SP(14/08/2019)



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