



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD).No.15623 of 2013

D.Chandrabai

.. Petitioner

Vs.

1.The State of Tamilnadu,
rep. by its Secretary,
Public Health and Family Welfare Department,
Fort St. George, Chennai - 600 009.

2.The Director of Public Health
and preventive Medicine,
Chennai - 6.

.. Respondents

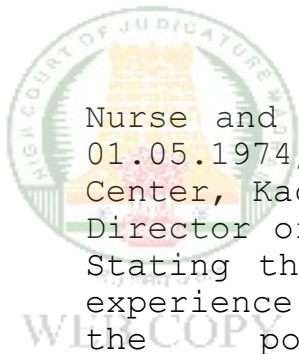
Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, calling for the records of the 1st respondent dated 21.02.2007 bearing Letter No.39140/N1/2006-3 and quash the same and consequently, direct the respondents to give notional promotion as Health Visitor with effect from 12.04.1984 till 30.09.2003 the date of petitioner's retirement by re-fixing the pay scale and to pay the consequential monitory benefits to the petitioner.

For Petitioner : Mr.R.Saravanan
For Respondents : Mr.D.Muruganandam
Additional Government Pleader

ORDER

This writ petition has been filed for issuance of Writ of Certiorarified Mandamus, calling for the records of the 1st respondent dated 21.02.2007 bearing Letter No.39140/N1/2006-3 and quash the same and consequently, direct the respondents to give notional promotion as Health Visitor with effect from 12.04.1984 till 30.09.2003, the date of petitioner's retirement by re-fixing the pay scale and to pay the consequential monitory benefits to the petitioner.

2.The petitioner was appointed as Maternity Assistant in Kilapavoor Panchayat Union on 12.05.1971. It is her specific case that she was denied due promotion to the post of Health Visitor inspite of her long experience and necessary qualification. It is stated by the petitioner that one P.Angammal, who got registered as



Nurse and Midwife in 1974, and appointed as Maternity Assistant on 01.05.1974, was promoted as Health Visitor in the Primary Health Center, Kachirapalayam, South Arcot District, by proceedings of the Director of Public Health and Preventive Medicine, dated 12.04.1984. Stating that though the petitioner had necessary qualification and experience to hold the promotional post, she was denied promotion to the post of Health Visitor. Therefore, she submitted a representation to the respondents asking for notional promotion with effect from the date on which one Angammal was promoted and to disburse the monetary benefits. That representation was rejected by the first respondent on the ground that the petitioner completed the required training programme only in the year 1999 and that therefore, she was eligible to get promotion only after completion of the training programme. By the impugned communication, based on the service rules, the respondent has rejected the request of the petitioner.

3. In the counter affidavit, it has been categorically stated that the post of Health Visitor has been re-designated as Sector Health Nurse. The petitioner and one Angammal got promotion to the post of Sector Health Nurse. It appears that as per the existing service rules, it is mandatory that the persons in the feeder category should have completed six months condensed training course. The petitioner had undergone Multi Purpose Health Supervisor (female) training Course for a period of six months from 03.05.1999 to 31.10.1999 at Multi Purpose Health Supervisor (Female) Training School, Chennai. Since the petitioner passed the examinations conducted by the Training institute during November 1999, the petitioner was considered for promotion after she had completed the training course and registered the same in the Tamilnadu Nurse and Midwife council, Triplicane, Chennai.

4. It is not in dispute that upon completion of the training Course, the petitioner was given promotion in 2000. The petitioner was promoted as Sector Health Nurse by an order dated 05.07.2000 immediately after her completion of six months condensed training programme which is mandatory. It is specifically stated in the counter affidavit that Tmt. Angammal though was appointed in 1974, considered for promotion as Sector Health Nurse as she possessed the required training qualification in the year 1984 itself.

5. Further, it appears that the petitioner had filed a writ petition earlier in W.P.(MD).No.24394 of 2006, seeking re-fixation of her pay with effect from 12.04.1984. In the writ petition filed by the petitioner, the respondents were directed to consider and pass orders. Based on the direction given by this Court in the above said writ petition, the petitioner's representation was referred to the Government for passing appropriate orders. Accordingly, the impugned order has been passed rejecting the request of the petitioner, stating the reason based on the service



6.Having regard to the admitted position that the petitioner is not eligible to get promotion without completing the training programme as required by rules, this Court is not inclined to entertain this writ petition.

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7.Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(AD-II)

/TRUE COPY/

Sub Assistant Registrar

To

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

2.The Director of Public Health
and preventive Medicine,
Chennai - 6.

+1 CC to M/s.R. SARAVANAN, Advocate (SR-85349[F] dated 05/09/2019)
+1 CC to M/s.SPL GP (SR-85549[F] dated 06/09/2019)

W.P.(MD).No.15623 of 2013
05.09.2019

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JM/18.09.2019/3P/5C