

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :23.11.2020
CORAM
THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.11689 of 2014

1.M.Gnanasaravanan
2.S.Ravi
3.N.Krishnamoorthi
4.S.Iniyaraj
5.A.Ramesh Kannan
6.A.Ramanathan
7.D.Babu
8.G.S.Senthil Kumar,
9.R.Satheesh
10.A.Sudar
11.P.Arputharaj
12.C.Angappan
13.R.Sudhakar
14.K.A.Ramesh
15.M.Raju
16.V.Suresh
17.G.Murali
18.P.Ramamoorthi
19.G.Manoj Kumar
20.R.Priyadarshini

... Petitioners

vs.

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

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondent to promote all the petitioners to the post of Health Inspector Grade I retrospectively with effect from 12.11.2013 the date on which their junior was promoted as Health Inspector Grade I with all monetary and other consequential service benefits.

For Petitioner : Mr.R.Prem Narayan

For Respondent : Mr.S.Thangavel, Spl. G.P.

ORDER

The petition has been filed by the petitioner to direct the respondent to promote all the petitioners to the post of Health Inspector Grade I retrospectively with effect from 12.11.2013 the date on which their junior was promoted as Health Inspector Grade I with all monetary and other consequential service benefits.

2. The case of the petitioners is that all the petitioners are now holding the post of Health Inspector Grade II in the Department of Public Health and the date of appointment for all the petitioners as Health Inspector Grade II was on 07.01.2008 and 08.01.2008 respectively and all the petitioners are fully qualified for promotion to the post of Health Inspector Grade I as per the Rules and they are waiting for their promotion. The grievance of the petitioner is that surprisingly the respondent promoted juniors to the petitioners and one such junior is Mr.C.Christopher Selvadoss whose initial appointment as Health Inspector Grade II was on 04.02.2008, which is subsequent to the appointment of all the petitioners. The said fact came to light on account of a petition filed by some of the petitioners under the Right to Information Act and the reply from the department clearly shows that the said person is not only junior to the petitioners but also now promoted and working as Health Inspector Grade I. In order to avail promotion, the petitioners made representations to the respondents, which is pending till date and no order has been passed. Aggrieved against the action of the respondent, the present writ petition has been filed by the petitioners with the above said prayer.

3. Though very many contentions have been raised in the affidavit, however, learned counsel appearing for the petitioners submit that this Court may direct the respondents to consider the petitioners representation, within a reasonable time as fixed by this court.

4. Per contra, learned Special Government Pleader filed a counter on behalf of the respondent, submitted that in G.O.Ms.No.339, Health and Family Welfare (N1) Department, dated 17.09.2007, Government have accorded permission to appoint 57 candidates who have obtained Diploma in sanitation from Pondicherry University for appointment to the post of Health Inspector Grade II. The Said 57 candidates including the petitioners have joined duty as Health Inspector during the month of January 2008. He further submitted that after knowing about the seniority issue, the respondent has cancelled the promotion orders issued to one C.Christopher Selvadoss by proceedings dated 10.01.2014. In such view of the above fact, he

prays for dismissal of the petition.

5.This Court heard the submissions advanced by the learned counsel appearing on either side and also perused the materials available on record.

6.The facts in the present case is not in dispute. The grievance of the petitioners that person junior to them has been promoted and, therefore, they claim promotion with fixation of appropriate seniority. However, It is placed on record by way of counter by the respondents that the promotion granted to one C.Christopher Selvadoss had been cancelled vide proceedings dated 10.01.2014. In such view of the matter, nothing further survives for consideration in this petition, as the grievance expressed by the petitioners no longer subsists. Accordingly this writ petition stands closed with liberty to the petitioners to workout their remedy in the manner known to law if aggrieved otherwise. There shall be no order as to costs.

Sd/-
Assistant Registrar

/true copy/
Sub Asst. Registrar

jrs

To

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

+1 cc to M/s.R.Prem Narayan Advocate sr37492
+1 cc to the Government Pleader sr 37756

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