

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
W.P.No.2128 of 2021

S.Subramanian

.. Petitioner

Vs.

1.The Secretary to the Government of Tamil Nadu
Health and Family Welfare Department
Fort St. George, Chennai - 9

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

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 2nd respondent to consider petitioner's representation dated 20.02.2020 and include petitioner's name for promotion to the post of Non Medical Supervisor (NMS)/Block Health Supervisor (BHS) in Tamil Nadu Public Health Subordinate Service in the panel for the year 2019-2020 issued in R. No.3232/MP.IV/S1/2019 dated 14.02.2020 and to accommodate the petitioner as Non Medical Supervisor (NMS)/Block Health Supervisor (BHS) in Erode Health Unit District as per his seniority and option form submitted by the petitioner.

For Petitioner : Mr.M.Saravanakumar

For R1 and R2 : Mr.R.A.Senthilvel,
Additional Government Pleader

O R D E R

The petitioner has come forward with this writ petition for a mandamus, to direct the 2nd respondent to consider petitioner's representation dated 20.02.2020 and include petitioner's name for promotion to the post of Non Medical Supervisor (NMS)/Block Health Supervisor (BHS) in Tamil Nadu Public Health Subordinate Service in the panel for the year 2019 - 2020 issued in R. No.3232/MP.IV/S1/2019 dated 14.02.2020 and to accommodate the petitioner as Non Medical Supervisor (NMS)/Block Health Supervisor (BHS) in Erode Health Unit District, as per his seniority and the option form submitted by the petitioner.

Leprosy Inspector and thereafter, he was promoted as Health Inspector and the respondents issued the State wide seniority list and fixed the petitioner's seniority in Seniority No.5918 as per the judgment of the Hon'ble Apex Court. He further submitted that the second respondent issued a panel in his proceedings dated 14.2.2020 for the year 2019-2020, in which the petitioner was not included. It is the further submission of the petitioner that he has not faced any charges or punishment as on date and as well as on the crucial date also and unfortunately his name was not included in the panel. Therefore, he made a request through proper channel, more particularly, before the immediate superior officer on 20.02.2020 and the same was forwarded to the 2nd respondent by the Deputy Director of Health Services, Erode, for necessary action. But till date the petitioner has not received any communication from the 2nd respondent and now after lifting the Covid-19 lock-down, the 2nd respondent is taking steps to conduct the counselling in a closed manner contrary to their own guidelines.

3. It is the further submission of the petitioner that the second respondent has categorically mentioned in the panel for the year 2019-2020 issued in R. No.3232/MP.IV/S1/2019 dated 14.02.2020 that the individuals are informed that, if their names are not found in the list, a written representation indicating their date of appointment in the post of Health Inspector Grade-I and their position in the panel with supporting documentary evidences may be sent to this office through proper channel immediately.

4. As per the said direction, the petitioner made a request through proper channel on 20.02.2020 and the same was forwarded by the Superior on 09.03.2020. Therefore, it is the bounden duty of the 2nd respondent to include petitioner's name in the panel for the year 2019-2020 for promotion to the post of NMS or BHS. Hence this writ petition.

5. Heard both sides and perused the materials placed before this Court in the form of typed set of papers.

6. Considering the limited scope of the prayer and the facts and circumstances of the case, this Court, without expressing any opinion on the merits of the case, directs the 2nd respondent to consider the representation of the petitioner dated 20.02.2020 in terms of the panel for the year 2019-2020 issued in R. No.3232/MP.IV/S1/2019 dated 14.02.2020, by affording an opportunity of hearing to the petitioner, within a period of two months from the date of receipt of a copy of this order.

7. The petitioner shall furnish his/her phone number, email ID, if any, etc., along with a copy of the representation dated 20.02.2020 and this order, to the second respondent forthwith. The second respondent is directed to

communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authority concerned fail to send communication to the petitioner, he/she will have to face the civil imprisonment in case of contempt proceedings and, if he/she is unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of attempt of delivery, so that the petitioner, at a later point of time, will not take a plea that he is not aware of the order.

8. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Asr

To

1.The Secretary to the Government of Tamil Nadu
Health and Family Welfare Department
Fort St. George, Chennai - 9

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

+1cc to Mr.M.Saravanakumar, Advocate, S.R.No. 6158
+1cc to the Government Pleader, S.R.No. 5911

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PL (CO)
GN(08/04/2021)