

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.Nos.438 to 441 of 2014

|                  |                                     |
|------------------|-------------------------------------|
| S.Mariyadasan    | ...Petitioner in W.P.No.438 of 2014 |
| T.V.Kannan       | ...Petitioner in W.P.No.439 of 2014 |
| A.Sundaram       | ...Petitioner in W.P.No.440 of 2014 |
| P.Arumuga Thevar | ...Petitioner in W.P.No.441 of 2014 |

Vs

1. The State of Tamil Nadu,  
Rep.by its Secretary to Government,  
Health and Family Welfare Department,  
Chennai - 9.
2. The Director of Public Health and Preventive Medicine,  
D.M.S.Compound,  
Chennai - 6. .... Respondents in all WPs

Common Prayer: These Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to retrospectively promote the Petitioner(s) in the cadre of Health Inspector with effect from 01.05.1975, 01.02.1974, 01.07.1972 and 01.10.1982 respectively and consequently regularize their services in the above post with all monetary benefits by extending the benefits of 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.

For Petitioner : Mr.Prem Narayanan in all Wps.

For Respondents: Mr.S.Thangavel, Spl.GP in all WPs

COMMON ORDER

The petitioners have come up with these writ petitions seeking a direction to the respondents to retrospectively promote the Petitioner(s) in the cadre of Health Inspector with effect from 01.05.1975, 01.02.1974, 01.07.1972 and 01.10.1982 respectively and consequently regularise their services in the said post with all monetary benefits by extending the benefit of G.O.(D)No.359 Health and Family Welfare (N2) Department dated

26.04.2004, which is covered under order dated 13.07.2007 in W.P.No.29794 of 2005 etc. batch.

2. According to the learned counsel for the petitioners, the petitioners were appointed as Basic Health Worker / Surveillance Worker / Vaccinator on 14.10.1965, 14.10.1965, 06.08.1963 and 20.02.1973 respectively and subsequently, their services were regularised. They completed the Sanitary Inspector Course in the year 1975, 1974, 1972 and 1975 respectively and they were eligible to be promoted to the post of Health Inspector based on seniority. However, they were promoted to the said post, after a prolonged period and thereafter, were re-designated as Health Inspector Grade-I. The learned counsel further submitted that by order dated 04.12.1997 passed in OA.No.7622 of 1997, the Tribunal directed the Government to regularise the services of the applicant (A.Ramalingam) in the post of Health Inspector with effect from 01.07.1970. The said order was challenged by the Government by filing writ petition and SLP, which ultimately, ended in dismissal. Consequently, they implemented the said order vide G.O.(D).No.359, Health and Family Welfare (N2) Department, dated 26.04.2004. Seeking to extend the said benefit, similarly placed persons filed WP.No.29794 of 2005 etc. batch, which were ordered, by the Division Bench of this Court, on 13.07.2007, the operative portion of which reads as under:

"10. In the light of the above, the respondents are directed to consider the cases of the petitioners with regard to regularisation of their services with retrospective effect and thereafter, giving promotion as per the seniority list prepared by the Government by virtue of proceedings dated 05.3.1996 and the order of Tribunal dated 10.8.2001 and also the consequential G.O. (D) No.359 Health and Family Welfare (N2) Department dated 26.4.2004, within a period of 12 weeks from the date of receipt of a copy of this order.

11. It is brought to our notice that some of the writ petitioners have retired from service after attaining the age of superannuation. If that is so, they are entitled for regularization from the date they have acquired qualification and consequential monetary benefits and the respondents are directed to pay the same to them within the stipulated period."

Therefore, the learned counsel prayed for similar order in these writ petitions as well.

3. The learned Special Government Pleader appearing for the respondents fairly submitted that during the pendency these writ petitions, Civil Appeal No.6660 of 2011 etc batch, filed by the respondent authorities against the decision of the Division Bench dated 13.07.2007 were ultimately, dismissed. Thus, according to the learned Special Government Pleader, the

respondents would consider the claim of the petitioners herein and pass orders, in accordance with law, within a time frame to be stipulated by this Court.

4.Considering the facts and circumstances of the case and having regard to the submissions now made by the learned counsel on either side and also following the earlier decision of the Division Bench (cited supra), this Court directs the petitioners to give fresh representations to the second respondent furnishing details as to when they acquired the necessary qualification with supporting documents, within a period of three weeks from the date of receipt of a copy of this order. On receipt of such representations, the second respondent shall consider the same in the light of the judgment of the Division Bench referred to above and pass appropriate orders, in accordance with law, within a period of eight weeks thereafter.

5.Accordingly, all the writ petitions stand disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,  
The State of Tamil Nadu,  
Health and Family Welfare Department,  
Chennai - 9.
2. The Director of Public Health and Preventive Medicine,  
D.M.S.Compound,  
Chennai - 6.

+lcc to Mr.R.Prem Narayana, Advocate, S.R.No.970

+lcc to the Government Pleader, S.R.No.887

W.P.Nos.438 to 441 of 2014

RGN(CO)  
CB(12/07/2021)