

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.15349 of 2020

and

W.M.P.Nos.19198, 19199 & 19201 of 2020

K.Mohamed Abdul Kadar

.... Petitioner

Vs

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

2.The Director of Public Health & Preventive Medicine,
DMS Complex, Teynampet,
Chennai 600 006.

3.The Deputy Director of Health Services,
Old Police Hospital Road,
Samanthapuram,
Tirunelveli - 2.

4.T.Govindrajan, S/o.Thandavariayan,
Working as Health Inspector Gr.I.
O/o.Deputy Director of Medical Services (Leprosy),
Chennai 600006.

.... Respondents

(R4 impleaded vide order dated 11.01.2021
made in W.M.P.No.21885 of 2020 in W.P.No.15349 of 2020)

Prayer: Writ petition filed under Article 226 of the
Constitution of India, praying to issue a writ of Certiorarified
Mandamus, calling for the records in pursuant to the impugned
letter issued by the 2nd respondent in Proceeding
R.No.65089/MPIV/S1/2019, dated 26.09.2020 and quash the same and
consequently direct the respondents to promote the petitioner to
the post of Block Health Supervisor/Non-Medical Supervisor based
on his seniority & strictly in accordance with the approved
panel issued by the 2nd respondent in proceedings
R.No.3232/MP.IV/S1/2019, dated 14.02.2020.

For Petitioner : Mr.R.Subramanian for
Mr.V.Sukumar

For Respondents: Mr.J.Pothiraj, (for R1 to R3)
Special Government Pleader
Mr.P.Raja (for R4)

O R D E R

This writ petition has been filed, seeking to quash the impugned letter issued by the 2nd respondent in Proceeding R.No.65089/MPIV/S1/2019, dated 26.09.2020 and a consequential direction to promote the petitioner to the post of Block Health Supervisor/Non-Medical Supervisor based on his seniority & strictly in accordance with the approved panel issued by the 2nd respondent in proceedings R.No.3232/MP.IV/S1/2019, dated 14.02.2020.

2. Heard the learned counsel on either side and perused the material documents available on record.

3. The case of the petitioner is that he is now working as Health Inspector Grade I (Multi Purpose Health Supervisor) and his next avenue of promotion is Block Health Supervisor (BHS) / Non Medical Supervisor (NMR). The 2nd respondent had drawn a panel for promotion to the post of Block Health Supervisor / Non Medical Supervisor for the year 2019 - 2020 vide proceedings dated 14.02.2020, in which his name reflects in Sl. No.252. It is the grievance of the petitioner that the 2nd respondent, without exhausting the panel dated 14.02.2020, drawn for the year 2019 - 2020, had issued yet another panel for the year 2020 - 2021 vide impugned letter dated 26.09.2020, calling for service particulars of Health Inspectors Grade-I (Multi Purpose Health Supervisor) for preparation of the panel for the year 2020 - 2021 for promotion to the post of Block Health Supervisor / Non Medical Supervisor for the panel year 2020 - 2021, in which his name was found in Sl.No.378. Aggrieved by the said letter dated 26.09.2020, the petitioner is before this Court.

4. When the matter is taken up for hearing, Mr.J.Pothiraj, learned Special Government Pleader appearing for R1 to R3 represented that the 2nd respondent issued a proceeding dated 24.12.2020 to fill up the post of NMR / BHS for the panel year 2019 - 2020 and therefore, the relief sought for by the petitioner in this petition has become infructuous. The said submission of the learned Special Government Pleader has been adopted by the learned counsel appearing for the impleaded respondent / R4.

5. At this juncture, Mr.R.Subramanian, learned counsel for Mr.V.Sukumar, learned counsel appearing for the petitioner submitted that the panel for the year 2019 - 2020 issued on 14.02.2020 is at the verge of its expiry. He further submitted that the names of several employees have been included in the panel of the year 2019 - 2020, who have died, absconded, relinquished their promotion, been already promoted and been working in other Departments on deputation and the list of those names has been produced before this Court. He also submitted that those individual employees are not entitled to be considered for promotion to the post of BHS / NMR as per Rules.

6. The submission of the learned counsel for the petitioner with regard to the eligibility of those employees, cannot be gone into at this stage in this Writ Petition, as it is for the Respondents 1 to 3 to decide strictly in accordance with the relevant Rules.

7. In view of the submission made by the learned Special Government Pleader that the 2nd respondent has already issued a proceeding dated 24.12.2020 to fill up the post of NMR / BHS from the panel year 2019 - 2020, which fact has been confirmed by the learned counsel for the petitioner, the Writ Petition is disposed, with a direction to the respondents that after finalizing the panel for the year 2019 - 2020 for promotion to the post of Block Health Supervisor / Non Medical Supervisor to the eligible employees / individuals in the panel as per Rules, the respondents shall proceed further with regard to filling up the aforesaid posts, by taking into account the panel of the year 2020 -2021. The entire exercise, with regard to conclusion of the panel of the year 2019 - 2020, shall be completed on or before 01.03.2021. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

vum
To:

- 1.The Principal Secretary to the Government,
Health & Family Welfare Department,
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2.The Director of Public Health & Preventive Medicine,
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3.The Deputy Director of Health Services,
Old Police Hospital Road,
Samanthapuram,
Tirunelveli - 2

+1 CC to Mr.K. Raja, Advocate sr 6918

+1 CC to Mr.V.Sukumar, Advocate sr 7375

+1 Cc to The Government Pleader sr 7063.

W.P.No.15349 of 2020

CNR (CO)
SP(11/02/2021)



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