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W.P.Nos.10938 to 10969 of 2015 etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.10938 to 10969, 11544 to 11550,
and 26058 to 26074 of 2015

W.P.No.10938 of 2015:-

N.Balakrishnan

...Petitioner

-Vs-

1. The State of Tamil Nadu
Rep by its Secretary to Government,
Health & Family Welfare Department,
Fort St. George,
Chennai – 600 009.

2. The Director of Public Health,
& Preventive Medicine,
DMS Compound,
Chennai – 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to retrospectively promote the petitioner in the cadre of Health Inspector with effect from 01.10.1982 and consequently, regularise his service in the above post with all monetary benefits by extending the benefits of G.O.(D) No.359 Health & Family Welfare Department dated 26.04.2004 which is covered under Order dated 13.07.2007 in W.P.No.29794 of



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2005 etc and confirmed by the Hon'ble Supreme Court of India in Civil Appeal No.6660 of 2011 and batch dated 25.02.2012.

In all W.Ps.

For Petitioner : Mr.R.Prem Narayan

For Respondents : Mr.M.P.Murugan Raja
Government Advocate.

COMMON ORDER

These writ petitions have been filed seeking for issuance of Writ of Mandamus directing the respondents to retrospectively promote the petitioners in the cadre of Health Inspector with effect from the date on which the Petitioners' juniors/counter-parts have been granted monetary benefits 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., batch and confirmed by the Hon'ble Supreme Court of India in Civil Appeal Nos.6660 of 2011 etc., batch, dated 25.02.2015.



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2. As the issue involved in all these writ petitions is one and the same, they are taken up for disposal by a common order.

3. When the matter is taken up for hearing, it is submitted by the learned counsel for the petitioners that the petitioners have restricted their claim regarding the promotion, which has to be considered by the authorities in terms of G.O.(D).No.359 Health and Family Welfare Department dated 26.04.2004, if it is applicable. He further submitted that the similar prayer sought for by other petitioners had already been considered by this Court on 26.08.2019 in WP.Nos.18659 to 18672 of 2015. He also submitted that the authorities may be directed to consider the request of the petitioners, and take a decision within a period of four weeks from the date of receipt of a copy of this order, as the writ petitions are pending from the year 2015.

4. Since the prayer sought for in these writ petitions has been restricted, in view of the Government Order in G.O.(D).No.359 Health and Family Welfare Department, dated 26.04.2004 and also in the light of the order of a Division Bench of this Court dated 13.07.2007 made in



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W.P.Nos.29794 of 2005, etc., batch and the judgment dated 25.02.2015 passed by the Hon'ble Supreme Court of India in Civil Appeal Nos.6660 of 2011 etc., batch, the Respondents herein shall consider the representation made by the Petitioners herein and pass appropriate orders on the same within a period of twelve (12) weeks from the date of receipt of a copy of this Order, if the representation had already not been disposed of.

5. Accordingly, all these Writ Petitions are disposed of. There shall be no order as to cost.

17.07.2023

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

rts



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G.K.ILANTHIRAIYAN. J.

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