



W.P.Nos.16921 to 16928 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2023

CORAM:

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

W.P.Nos.16921 to 16928 of 2008

WP.No.16921 of 2008

A.Manoharan

... Petitioner

Vs.

1.The State of Tamilnadu,
Rep. by its Secretary to Government,
Health and Family Welfare Department,
Chennai-9

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

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the records in pursuant to the impugned order passed by the second respondent in proceedings R.No.98043/MPI/S2/2005 dated 21.05.2007 and quash the same and consequently direct the respondents to grant retrospective promotion in the post of Health Inspector Grade-I, on par with Mr.A.Esakkiappan and Mr.S.Kalaivanan with all monetary benefits and other consequential service benefits, arrears of pay with interest.



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For Petitioner
in all WP's : Mr.Prem Narayanan

For Respondents
in all WP's : Mr.L.S.M.Hasan Fizal,
Additional Government Pleader

COMMON ORDER

These writ petitions have been filed challenging the order passed by the second respondent dated 21.05.2007, thereby rejected the request made by the petitioners seeking retrospective promotion to the post of Health Inspector Grade-I on par with A.Esakkiappan and S.Kalaivanan.

2. The petitioners were appointed as Basic Health Worker and their services were regularised with effect from 01.07.1966. They completed Sanitary Inspector Course and thereafter they were promoted to the post of Health Inspector Grade-I. After constitution of multipurpose Health Scheme with effect from 04.01.1988, various posts under the scheme were re-designated as Multipurpose Health Assistants and Supervisors. Accordingly, the next promotional avenue open to the



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petitioners is Multipurpose Health Supervisor. However, their juniors i.e.

A.Esakkiappan and S.Kalaivanan who were also appointed as Basic Health Worker and were juniors to the petitioners were promoted as Basic Health Inspector now they are re-designated as Health Inspector Grade I. Though their services were regularised along with the petitioners, they were given retrospective promotion to the post of Health Inspector Grade-I with effect from 01.07.1966.

3. On perusal of records, revealed that they filed application before the Tamilnadu Administrative Tribunal and it was allowed. However, the respondents failed up to the Hon'ble Supreme Court of India and necessarily they have to comply with the order passed by the Tribunal. Therefore, they were granted retrospective promotion to the post of Health Inspector Grade-I. It does not mean that they are entitled for retrospective promotion as per law. Therefore, the claim made by the petitioners were rightly rejected and this Court finds no infirmity or illegality in the order passed by the second respondent.



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4. Accordingly, all the writ petitions are dismissed. There shall be no order as to costs.

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Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

1. Secretary to Government,
The State of Tamilnadu,
Health and Family Welfare Department,
Chennai-9
2. The Director of Public Health
and Preventive Medicine,
DMS Compound,
Chennai-6
3. The Government Advocate,
High Court, Madras.

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