



WEB COPY



WP.No.19508 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

W.P. No.19508 of 2013

and

M.P.No. 1 of 2013

R.Kalaichelvi

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Petitioner

Vs

1. The Principal Secretary to Government,
Health and Family Welfare Department,
Fort St.George, Chennai – 600 009.

2. The Director of Public Health and
Preventive Medicine,
Teynampet, Chennai – 600 006.

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Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records in the impugned Letter No.60794/Ab2/2007-21 dated 31.05.2013 on the file of the 1st respondent and quash the same and consequentially direct the 1st respondent to issue the order of upgradation to the petitioner as Deputy Director (Non Medical) as an implementation of the directions of the Government of India within time frame to be fixed by this Court.

For Petitioner : No appearance

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



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ORDER

This Writ Petition has been filed challenging the order passed by the first respondent, thereby rejected the request made by the petitioner seeking upgradation to the post of Deputy Director (Non Medical).

2. Heard the learned Government Advocate appearing for the respondents. There is no representation for the petitioner. Therefore, this Court is inclined to pass orders on merits.

3. The petitioner was working as Health Educator Training Officer in the category of Assistant Director and she submitted a representation for upgradation of her post as Deputy Director (Health Education and Training) (Non Medical). It was not considered and as such, the petitioner filed writ petition in W.P.No.28235 of 2011, this Court directed the respondents to consider the representation of the petitioner and pass orders. As directed by this Court, the second respondent, now rejected the claim of the petitioner.



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4. A perusal of the counter filed by the respondents revealed that the Government in G.O.(2D) No.119, Health and Family Welfare (AB2) Department, dated 27.11.2015 have issued orders upgrading the post of Technical Assistant Director (Media) carrying the pay band of Rs.15600-39100+GP Rs.5400/- (PB.3) which was originally sanctioned as Technical Officer in the G.O.(Ms) No.137, Health, dated 18.01.1960 and later redesignated as Technical Assistant Director (Media) in G.O.(Ms) No.957, Health, dated 28.04.1970 as Deputy Director Public Health (IEC) in the pay band of Rs.15600-39100+GP Rs.6600 – (PB3) by surrendering one post of “Film strip production Assistant” in the pay band of Rs.5200-20200+GP Rs.2800 (PB1) sanctioned in the G.O.(Ms) No.808, Health, dated 05.04.1974 and permitted the Director of Public Health and Preventive Medicine to appoint Tr.V.Tharani Singh (Senior to the petitioner), the present incumbent in the post of Technical Assistant Director (Media) in the upgraded post of Deputy Director of Public Health (IEC), on adhoc basis pending framing the adhoc rules subject to the condition that the post shall be downgraded to that of Technical Assistant Director (Media) after the retirement of Tr.V.Tharani Singh. Therefore, the condition of service including avenues of promotions and



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criteria to be fulfilled for such promotions pertaining to the filed of policy within the exclusive discretion and jurisdiction of the State.

5. In view of the above, the request made by the petitioner was rightly rejected by the first respondent. This Court finds no infirmity or illegality in the order passed by the first respondent and the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

03.08.2023

Index:Yes/No
Internet:Yes/No
Lpp

To

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2. The Director of Public Health and
Preventive Medicine,
Teynampet, Chennai – 600 006.



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G.K.ILANTHIRAIYAN,J.

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