



W.P.No.31117 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.31117 of 2013

and

W.M.P.Nos.16914 and 16918 of 2019

N.Krishnamurthy

... Petitioner

-Vs-

1. Government of Tamil Nadu,
represented by its Secretary Health
and Family Welfare Department,
St.George-09, Chennai.
2. The Director,
Directorate of Public Health
and Preventive Medicine,
No.359, Anna Salai,
Chennai-600 006.
3. The Joint Director of Health Services,
Villupuram,
Villupuram District.
4. The Deputy Director of Health Services,
Kallakurichi,
Villupuram District.

... Respondents



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Prayer:- Writ Petition filed under Article 226 of Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents to promote the petitioner with reference to representation dated 04.06.2013 and other representations to the post of Male Nursing Assistant Grade II with effect from 10.05.2003, being the date of successful passing of Training as Male Nursing Assistant with all service seniority and monetary benefits.

For Petitioner : Mr.C.Johnson

For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER

This Writ Petition has been filed for direction directing the respondents to promote the petitioner to the post of Male Nursing Assistant Grade II with effect from 10.05.2003.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.



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3. The case of the petitioner is that the petitioner was originally appointed as Hospital Worker on 03.03.1989 at Anumanthai Primary Health Centre, Thindivanam, Villupuram District. Thereafter, he was deputed for training of Nursing Assistant and completed the training successfully on 15.02.2003. However, he was not considered for appointment to the post of Male Nursing Assistant Grade II.

4. A perusal of the counter filed by the fourth respondent revealed that the appointment of Male Nursing Assistant Grade-II is totally based on seniority and vacancy only. The said post exist only at block levels and the persons eligible for the post are more. Therefore, the posts are filled based on seniority only. However, the persons who have completed the training course are given increment from the date of completion of the course. Accordingly, the petitioner is getting increment from the date of completion of his course.

5. That apart, now the petitioner had retired from service and also receiving the pension. The Grade Pay for the Male Nursing Assistant Grade-II in Medical Department is Rs.1,300/- and the Grade Pay for



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Male Nursing Assistants Grade-I in Rural Development department is Rs.2,400/-. In Medical Department, Male Nursing Assistants Grade-II only is available, for which, increment alone would be given and the retirement age will be 58 years and they are on par with Basic Service Personnel except the increment and the retirement age for the Basic Service Personnel is 60 years.

6. In view of the above, the direction sought for in this writ petition cannot be granted and this writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petitions are closed. No costs.

24.08.2023

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
mn



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To

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G.K.ILANTHIRAIYAN, J.

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