



W.P.No.29078 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 03.10.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.29078 of 2024

and

W.M.P.No.31730 of 2024

R.Tamilvanan

.. Petitioner

Vs.

- 1.The Director,
Directorate of Public Health and Preventive Medicine,
Teynampet, Chennai – 600 006.
 - 2.The Joint Director (Administration),
Directorate of Public Health and Preventive Medicine,
Teynampet, Chennai – 600 006.
 - 3.The Deputy Director of Health Services,
Saidapet, Chennai – 600 015.
- Respondents

..

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 1st respondent dated 07.01.2022 passed in R.No.90584/E4/S3/2021 and quash the same and consequently direct the 1st respondent to appoint the petitioner in the post of Junior Assistant with retrospective effect from the date of appointment along with all backwages, continuity of service and other benefit.



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For petitioner : Mr.V.S.Senthil Kumar
For Respondents : Mr.M.Bindran
Additional Government Pleader

ORDER

This writ petition has been filed challenging the proceedings of the 1st respondent dated 07.01.2022 and for a consequential direction to the 1st respondent to appoint the petitioner in the post of Junior Assistant with retrospective effect from the date of his appointment along with all attendant benefits.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3.The father of the petitioner was employed as Health Inspector Grade-I in Government Primary Health Center, Nerumbur, Thirukazhukundram. He died in harness on 05.01.2002. The petitioner submitted an application seeking for compassionate appointment and the 3rd respondent through proceedings dated 18.11.2011, appointed the petitioner as Mazdoor in the Primary Health Centre, Kelambakkam, with effect from 01.12.2011.



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4.The grievance of the petitioner is that he had completed relevant qualification and he was eligible to be appointed as Junior Assistant. However, the petitioner has been given the lower most cadre. Hence, he made a representation. The same was rejected by the 1st respondent through proceedings dated 07.01.2022. Aggrieved by the same, the present writ petition has been filed.

5.In the considered view of this Court, the order passed by the 1st respondent does not suffer from any illegality. When the petitioner accepted the appointment on compassionate ground, the petitioner was aware of the fact that he was appointed as Mazdoor. Having entered appointment, at a later point of time, the petitioner is now turning around and seeking for a higher post from the date of his appointment. The same has been rightly rejected by the 1st respondent. For proper appreciation, paragraph No.8 of the order dated 07.01.2022 is extracted hereunder:

“8) In view of the facts and circumstances stated above in this case and also as per the Division Bench Judgment order dated : 13.02.2012 made in W.A.No.165 of



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2012 and M.P.No.1 of 2012 mentioned above,
Thiru.R.Tamilvanan S/o.Thiru.(late)
M.Ramachandran is informed that in this case with all eyes open he had accepted the appointment given to him due to his indigent circumstances of the family and now requesting for appointment to the post of Junior Assistant with effect from the date of his appointment in the lower post on compassionate ground is against the principle of natural justice. He is further informed that by virtue of giving such application, he was able to secure the appointment on compassionate ground earlier than that the persons who opted to wait for their turn to be considered for appointment on compassionate ground. As such, Thiru.R.Tamilvanan, Son of Thiru.(late). M.Ramachandran is informed that he is not eligible for appointment to the post of Junior Assistant with effect from the date of his appointment in the lower post on compassionate ground as requested in his representation dated: 10.06.2016. However, he is further informed that he will get his chances of promotion to the post of Junior Assistant by the method of recruitment by transfer only as per the order of his seniority in lower post after the completion of seven years in the present post as per the Government orders in force.”

6.The 1st respondent has properly dealt with the representation made by the petitioner and the petitioner has been informed that his claim for Junior Assistant will be considered only according to his seniority.



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7. In the light of the above discussion, this Court does not find any merits in this Writ Petition. Accordingly, this Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petition is closed.

No costs.

03.10.2024

($\frac{1}{2}$)

krk

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

1. The Director,
Directorate of Public Health and Preventive Medicine,
Teynampet, Chennai – 600 006.
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N.ANAND VENKATESH, J.

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