

W.P. Nos. 11186 of 2019 etc., batch

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 10.03.2025**

**CORAM**

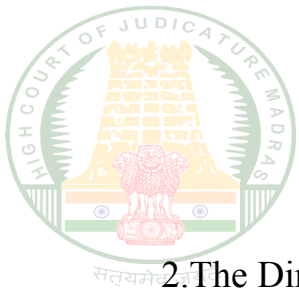
**THE HON'BLE Ms. JUSTICE R.N.MANJULA**

**W.P. Nos. 11186, 10941, 10942, 10943, 10945, 10946, 11064, 11069,  
11070, 11073, 11217, 11219, 11221, 10939, 11087, 11189,  
11190, 11191, 11195, 11212, 11215 of 2019**

|                  |                                        |
|------------------|----------------------------------------|
| S.Govindasamy    | ... Petitioner in W.P.No.11186 of 2019 |
| P.S.Vasu         | ... Petitioner in W.P.No.10941 of 2019 |
| V.Subramanian    | ... Petitioner in W.P.No.10942 of 2019 |
| M.Lalitha        | ... Petitioner in W.P.No.10943 of 2019 |
| K.Rajeswari      | ... Petitioner in W.P.No.10945 of 2019 |
| V.Boopalan       | ... Petitioner in W.P.No.10946 of 2019 |
| K.Beeman         | ... Petitioner in W.P.No.11064 of 2019 |
| M.Karunanethi    | ... Petitioner in W.P.No.11069 of 2019 |
| L.N.Venkatesan   | ... Petitioner in W.P.No.11070 of 2019 |
| R.Venkatakrisnan | ... Petitioner in W.P.No.11073 of 2019 |
| P.Selvaraj       | ... Petitioner in W.P.No.11217 of 2019 |
| R.Munisamy       | ... Petitioner in W.P.No.11219 of 2019 |
| A.Sathakathulla  | ... Petitioner in W.P.No.11221 of 2019 |
| K.Jagannathan    | ... Petitioner in W.P.No.10939 of 2019 |
| A.Rangaswamy     | ... Petitioner in W.P.No.11087 of 2019 |
| M.Renugopal      | ... Petitioner in W.P.No.11189 of 2019 |
| K.Nagarajan      | ... Petitioner in W.P.No.11190 of 2019 |
| G.Balakrishnan   | ... Petitioner in W.P.No.11191 of 2019 |
| A.S.Gandhi       | ... Petitioner in W.P.No.11195 of 2019 |
| A.Chokkalingam   | ... Petitioner in W.P.No.11212 of 2019 |
| S.Vedapuri       | ... Petitioner in W.P.No.11215 of 2019 |

-VS-

1.The State of Tamil Nadu  
Rep. by its Secretary to Government  
Health and Family Welfare Department  
Fort St. George, Chennai-600009.



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2. The Director of Public Health & Preventive Medicine  
DMS Compound, Chennai-600006.

... Respondents in all Wps

**Prayer in W.P. No.11186 of 2019:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, to direct the respondents retrospectively promote the petitioner in the cadre of Health Inspector with effect from 01.02.1976 and consequently regularise his service 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 No.6660 of 2011 and batch dated 25.02.2015.

**Prayer in W.P. No.10941 of 2019:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, to direct the respondents retrospectively promote the petitioner in the cadre of Health Inspector with effect from 01.07.1980 and consequently regularise his service 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 No.6660 of 2011 and batch dated 25.02.2015.

**Prayer in W.P. No.10942 of 2019:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, to direct the respondents 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



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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 No.6660 of 2011 and batch dated 25.02.2015.

**Prayer in W.P. No.10943 of 2019:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, to direct the respondents retrospectively promote the petitioner's husband in the cadre of Health Inspector with effect from 01.07.1981 and consequently regularise his service 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 No.6660 of 2011 and batch dated 25.02.2015.

**Prayer in W.P. No.10945 of 2019:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, to direct the respondents retrospectively promote the petitioner's husband 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 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 No.6660 of 2011 and batch dated 25.02.2015.

**Prayer in W.P. No.10946 of 2019:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, to direct the respondents retrospectively promote the petitioner in the cadre of Health Inspector with effect from 01.05.1976 and consequently regularise his service



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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 No.6660 of 2011 and batch dated 25.02.2015.

**Prayer in W.P. No.11064 of 2019:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, to direct the respondents retrospectively promote the petitioners 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 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 No.6660 of 2011 and batch dated 25.02.2015.

**Prayer in W.P. No.11069 of 2019:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, to direct the respondents retrospectively promote the petitioner in the cadre of Health Inspector with effect from 01.12.1990 and consequently regularise his service 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 No.6660 of 2011 and batch dated 25.02.2015.

**Prayer in W.P. No.11070 of 2019:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, to direct the respondents retrospectively promote the petitioner in the cadre of Health



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Inspector with effect from 01.07.1979 and consequently regularise his service 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 No.6660 of 2011 and batch dated 25.02.2015.

**Prayer in W.P. No.11073 of 2019:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, to direct the respondents retrospectively promote the petitioners in the cadre of Health Inspector with effect from 01.12.1990 and consequently regularise his service 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 No.6660 of 2011 and batch dated 25.02.2015.

**Prayer in W.P. No.11217 of 2019:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, to direct the respondents retrospectively promote the petitioner in the cadre of Health Inspector with effect from 01.07.1978 and consequently regularise his service 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 No.6660 of 2011 and batch dated 25.02.2015.

**Prayer in W.P. No.11219 of 2019:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, to direct the



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respondents 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 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 No.6660 of 2011 and batch dated 25.02.2015.

**Prayer in W.P. No.11221 of 2019:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, to direct the respondents 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 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 No.6660 of 2011 and batch dated 25.02.2015.

**Prayer in W.P. No.10939 of 2019:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, to direct the respondents retrospectively promote the petitioner in the cadre of Health Inspector with effect from 01.02.1976 and consequently regularise his service 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 No.6660 of 2011 and batch dated 25.02.2015.

**Prayer in W.P. No.11087 of 2019:-** Writ Petition filed under Article 226 of the



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Constitution of India, 1950, praying to issue a Writ of Mandamus, to direct the respondents 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 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 No.6660 of 2011 and batch dated 25.02.2015.

**Prayer in W.P. No.11189 of 2019:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, to direct the respondents retrospectively promote the petitioner in the cadre of Health Inspector with effect from 01.07.1975 and consequently regularise his service 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 No.6660 of 2011 and batch dated 25.02.2015.

**Prayer in W.P. No.11190 of 2019:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, to direct the respondents retrospectively promote the petitioner in the cadre of Health Inspector with effect from 01.02.1992 and consequently regularise his service 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 No.6660 of 2011 and batch dated 25.02.2015.



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**Prayer in W.P. No.11191 of 2019:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, to direct the respondents retrospectively promote the petitioner in the cadre of Health Inspector with effect from 01.07.1975 and consequently regularise his service 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 No.6660 of 2011 and batch dated 25.02.2015.

**Prayer in W.P. No.11195 of 2019:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, to direct the respondents retrospectively promote the petitioner in the cadre of Health Inspector with effect from 01.07.1979 and consequently regularise his service 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 No.6660 of 2011 and batch dated 25.02.2015.

**Prayer in W.P. No.11212 of 2019:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, to direct the respondents retrospectively promote the petitioner in the cadre of Health Inspector with effect from 01.05.1983 and consequently regularise his service 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



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No.6660 of 2011 and batch dated 25.02.2015.

**Prayer in W.P. No.11215 of 2019:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, to direct the respondents retrospectively promote the petitioner in the cadre of Health Inspector with effect from 01.05.1983 and consequently regularise his service 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 No.6660 of 2011 and batch dated 25.02.2015.

For Petitioners : Mr.B.Prem Narayan (in all Wps)

For Respondents : Mr.T.Chezhan, AGP (in all Wps)

### COMMON ORDER

These writ petitions have been filed to issue writs of mandamus directing the respondents to retrospectively promote the petitioners in the cadre of Health Inspector with effect from the date on which they had acquired Certificate for completing Sanitary Inspector Course and regularize their services in the above post by extending the monetary benefits and other benefits as per the Government Order issued in G.O.(D) No.359, Health and Family Welfare Department dated 26.04.2004.



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**WEB 2.0** Heard Mr.B.Prem Narayanan, learned counsel for the petitioners and Mr.T.Chezhiyan, learned Additional Government Pleader for the respondents and perused the materials placed on record, apart from the pleadings of the parties.

3. The Petitioners have been appointed as Health Inspector/Vaccinator/Special Cholera Worker and they are entitled to the benefit of the Government Order issued in G.O.(D) No.359, Health and Family Welfare (N2) Department dated 26.04.2004 for retrospective promotion on par with one Ramalingam in the post of Health Inspector with effect from the date on which they had acquired Certificate for completing Sanitary Inspector Course. It is further submitted that similarly placed persons have filed a batch of writ petitions before the Division Bench of the Madras High Court and got them allowed. Challenging the order passed by the Division Bench of this Court a Civil Appeal was filed before the Supreme Court and that was also dismissed subsequently. The persons with whom these petitioners claim parity for the purpose of giving retrospectively impact for promotion in the post of Health Inspector for getting a chequered history.



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**WEB COPY** 4. One Dhanasekaran has filed an original application in O.A. No. 3763 of 1994 before the State Administrative Tribunal by claiming the relief of regularization of an officer in the post of Health Inspector with effect from 03.10.1970 on which date he claims to be eligible to be promoted to the post of Health Inspector. The said application was allowed on 16.03.1996. Thereafter, one Ramalingam filed an original application by claiming parity with the said Dhanasekaran in O.A. No. 7622 of 1997 and the same was allowed on 04.12.1997. The department filed an appeal before the High Court that was dismissed and thereafter, the matter was taken up-to the Supreme Court and that was also dismissed.

5. Subsequently, the Government has issued G.O.(D) No.359, Health and Family Welfare (N2) Department dated 26.04.2004 for regularizing the services of the Ramalingam in the cadre of Health Inspector by sanctioning a supernumerary post. Subsequently, a batch of similarly placed persons [M.Janarthanam and others] have filed a batch of writ petitions in W.P. Nos. 29794 of 2005 etc., batch and those matters were dealt before the Hon'ble Division Bench of this Court and the final order came to be passed on 13.07.2007 by allowing those writ petitions and by issuing directions to the



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respondents to grant regularization of their services in the cadre of Health Inspector from the date they had acquired their qualification and to grant consequential monetary benefits. Another set of similarly placed persons have filed writ petitions claiming the same benefits and got their petitions allowed, however, subject to the outcome of the SLP filed challenging the order passed in W.P. No. 29794 of 2005 [Janarthanam Batch].

6. It is learnt that the SLP has been converted into Civil Appeal Nos. 6660 of 2011 etc., batch and that was also got dismissed on 25.02.2015. Review Petitions in Rev. Petition (Civil) Nos. 3521 to 3726 of 2018 filed were also dismissed on 12.12.2018. Thereafter, the second respondent issued proceedings dated 29.02.2019 directing the Deputy Director of Health Services to provide the service particulars of only those writ petitioners who filed writ petitions in order to issue / give order in compliance of the order passed in W.P. No. 29794 of 2005 and batch.

7. Now these petitioners claim that they are also similarly placed with the persons, who have filed writ petitions batch in W.P. Nos. 29794 of 2005 etc., batch and in whose favour the Hon'ble Division Bench of this Court had passed an order dated 13.07.2007 and hence, they are also entitled to the benefit of



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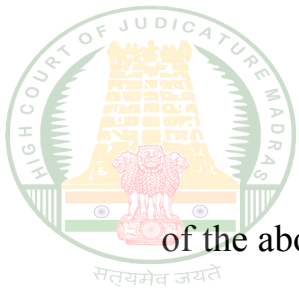
retrospective promotion in the cadre of Health Inspector and hence, seek

appropriate direction against the respondents. In fact, in this regard it is worth while to extract the operative portion of the orders of the Division Bench of this Court made in W.P. No. 29794 of 2005:-

*“10. In the light of the above, the respondents are directed to consider the cases of the petitioners with regard to regularization of their services with retrospective effect and thereafter, giving promotion as per the seniority list prepared by the Government by virtue of proceedings dated 05.03.1996 and the order of Tribunal dated 10.08.2001 and also the consequential G.O.(D) No. 359 Health and Family Welfare (N2) Department dated 26.04.2004, within a period of 12 weeks from the date of receipt of a copy of this order.”*

The same order has been passed in the subsequent batch of writ petitions in W.P. No. 28635 of 2007 and batch [Namasivayam batch].

8. In fact, a Government Order has been issued in G.O.(Ms) No.278, Health and Family Welfare (L1) Department dated 13.06.2019 by way of implementing the order dated 13.07.2007 of the Division Bench of the Madras High Court made in W.P. Nos. 29794 of 2005 etc., batch. The operating portion

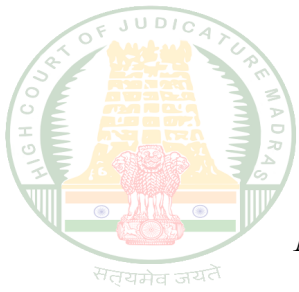


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of the above Government Order in Para 15 is extracted as below:-

WEB COPY 15. ....

- i. *The Director of Public Health and Preventive Medicine be permitted for giving retrospective promotion to the post of Multipurpose Health Supervisor (Health Inspector Grade-I) and to sanction consequent monetary benefits to the 336 writ petitions out of 626 writ petitioners identified by him on par with their junior Thiru.A.Lakshmanan (Seniority Number 2862) as per the seniority list published by him in R.No.115738/MPII/S2/95, dated 30.05.1996 at his level by passing suitable individual orders after verification of necessary records with the financial commitment of Rs.7.27 crores.*
- ii. *The Director Public Health and Preventive Medicine is permitted to pass suitable orders as and when the particulars obtained in respect of the remaining writ petitioners are found eligible to get the promotion on par with their junior Thiru.A.Lakshmanan as mentioned above after verifying the necessary records.*
- iii. *The Director of Public Health and Preventive*



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WEB COPY

*Medicine is also permitted to pass suitable orders to the eligible seniors who have not filed Writ Petition before the Hon'ble Court after receiving representation with sufficient supporting documents for their claims and verification of all the records.*

- iv. The Government also direct that any person recruited subsequent to the date of issue G.O.(Ms) No.1507, dated 16.08.1989 in which adhoc rules were framed for the post of Multipurpose Health Supervisor (Health Inspector Grade-I) will not be eligible for the above benefit.*
- v. The Director of Public Health and Preventive Medicine will be responsible for the correctness of particulars and calculation of arrears for every individual, by taking the points mentioned above."*

In the aforesaid Government order, 336 writ petitioners out of 626 writ petitioners have been identified on par with their junior A.Lakshmanan as per the seniority list published by him in R.No.115738/MPII/S2/95, dated 30.05.1996. In fact, the above benefits have been extended to the eligible seniors, who have not filed the writ petitions, but made only representations by attaching sufficient supporting documents.



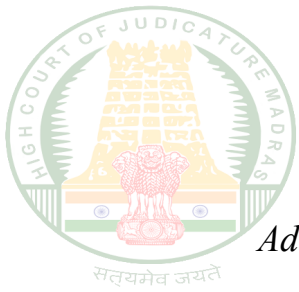
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**WEB 9.0 PM** It is categorically made clear that the Government has issued subsequent Government Order in G.O.(Ms) No.1507, dated 16.08.1989 by framing the adhoc rules for the post of Multipurpose Health Supervisor [Health Inspector Grade-I] and they are not entitled to the benefit of the orders passed by the Court.

**10.** Further, some of the petitioners have filed contempt petitions before the Hon'ble Division Bench of this Court stating that the order has not been passed by giving retrospective effect from the date when they had acquired qualification for the post of Health Inspector, but the benefit has been given only from the date of their promotion to the post of Health Inspector. Consequently, the Hon'ble Division Bench has passed an order in the Contempt Petition Nos. 1191 of 2015 etc., batch on 28.08.2023 for filing additional affidavit, subject to payment of cost of Rs.10,000/- to the Tamil Nadu State Legal Services Authority.

**11.** Thereafter, an another order has been passed in the Contempt Petition Nos.1191 of 2015 etc., batch on 27.09.2023 reads as follows:-

*“Considering the request made by the learned Additional*



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*Advocate General, we are inclined to grant time. However,*

*taking into consideration the hardship and agony suffered by the petitioners, we are inclined to impose a cost of Rs.1,000/- (Rupees One Thousand only) to be paid by the respondents to each of the 122 contempt petitioners, totalling to Rs.1,22,000/-.*

7. *Accordingly, the respondents are directed to pay a sum of Rs.1,000/- (Rupees One Thousand only) to each of the 122 contempt petitioners, totalling to Rs.1,22,000/- within two weeks from today.*

8. *It is to be noted that despite the order of this Court dated 13.09.2023, the respondents have not appeared before this court for their failure to comply the order of this Court. However, considering the request made by the learned Additional Advocate General, eight weeks time is granted to comply with the order passed by this Court. In case of failure to comply the order passed by this Court, the Secretary to Government, Health and Family Welfare Department, Fort St. George, Chennai-9 shall appear before this Court on the next hearing date.”*



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**WEB 12.P** In pursuance of the Contempt order, the Government has issued Government Letter (D) No. 1295 dated 16.10.2023 by re-fixing the pay of the beneficiaries by giving retrospective effect to their promotion in the cadre of Health Inspector from the date when they had acquired qualification and as already ordered by the Court in W.P. Nos. 29794 of 2005 etc., batch dated 13.07.2007. Since the orders have been complied, the contempt petitions were closed on 29.11.2023. However, G.O.(Ms) No.278, Health and Family Welfare (L1) Department dated 13.06.2019 has been amended by issuing Government Order in G.O.Ms. No.358, Health and Family Welfare (L1) Department, dated 29.10.2024 by identifying the junior as P.Balakrishnan instead of A.Lakshmanan.

**13.** Now it is clear that whoever among the petitioners stand senior to P.Balakrishnan as per the seniority list issued on 30.05.1996 alone would be eligible to get the benefit of Government Order in G.O.(Ms) No.278, Health and Family Welfare (L1) Department dated 13.06.2019 along with the Government Letter issued in Letter (D) No.1295 dated 16.10.2023.

**14.** The learned counsel for the petitioners submitted that the Government



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Order issued in G.O.(Ms) No.278, Health and Family Welfare (L1) Department

dated 13.06.2019 is not accepted by the Court by saying that it was not passed

by complying the orders passed in the Writ Petition Nos. 29794 of 2005 etc.,

batch dated 13.07.2007 in its true letter and spirit and hence, that cannot be

considered as yardstick for granting the relief for the persons similarly placed.

In fact, one and only difference between the Government Order in G.O.(Ms)

No.278, Health and Family Welfare (L1) Department dated 13.06.2019 and the

earlier Government Order passed in the case of Ramalingam G.O.(D) No.359,

Health and Family Welfare (N2) Department dated 26.04.2004 is with regard to

the extending the benefit by giving retrospective effect from the date they had

acquired their qualifications. The said anomaly has been subsequently rectified

by way of issuing the Government Letter in Letter (D) No.1295 dated

16.10.2023. In pursuant to that, compliance report has also been filed before the

Court and the same has also been accepted by the Court and accordingly, the

Contempt Petitions were closed.

**15.** To be noted that there is no fresh Government Order passed and only

rectification letter has been issued to rectify the deficiencies in G.O.(Ms)

No.278, Health and Family Welfare (L1) Department dated 13.06.2019 and

hence, it is not correct to state that the Court outrightly rejected the G.O.(Ms)



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No.278, Health and Family Welfare (L1) Department dated 13.06.2019. In fact,

**WEB COPY** that is the Government Order through which the beneficiaries have been identified and that had formed part of the orders of the Court passed in the Contempt Petition Nos. 1191 of 2015 etc., batch on 29.11.2023 also. Hence, these matters need not be re-explored once again as it has attained finality with the issuance of the Government Order in G.O.(Ms) No.278, Health and Family Welfare (L1) Department dated 13.06.2019 and Government Letter (D) No.1295, dated 16.10.2023 and the amending G.O.(Ms) No.358, Health and Family Welfare (L1) Department dated 29.10.2024.

**16.** It is learnt from the submissions of the learned Additional Government Advocate that among the petitioners, a few of them have been identified as persons who would come within the parameters of the above Government Orders and the Government Letter and for whom the respondents have extended the benefits and those persons, who are junior to P.Balakrishnan will not come under the purview of the above Government Order and they cannot be given with the above benefit.

**17.** Despite the petitioners are given their individual representations, no orders have been passed sofar, on the line of the submission now made by the



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respondents. So it is for the respondents to consider the above representations

in accordance with their own Government Orders and the Government Letters

and to pass orders on merits within a prescribed time limit.

**18.** In the result, these writ petitions are disposed and the second respondent is directed to pass orders by considering the representations of the petitioners in the light of the above observations and also on the merits of the individual representations and in accordance with law and pass orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

**10.03.2025**

Internet: Yes/No

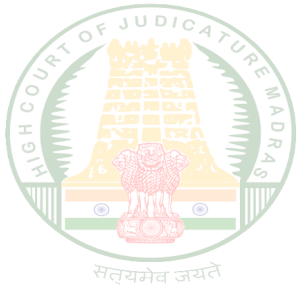
Speaking /Non-speaking order

*Maya*

To

1.The Secretary to Government of Tamil Nadu  
Health and Family Welfare Department  
Fort St. George, Chennai-600009.

2.The Director of Public Health & Preventive Medicine  
DMS Compound, Chennai-600006.



WEB COPY



W.P. Nos. 11186 of 2019 etc., batch

**R.N.MANJULA, J.**

*Maya*

**W.P. Nos. 11186, 10941, 10942, 10943,  
10945, 10946, 11064, 11069, 11070,  
11073, 11217, 11219, 11221, 10939,  
11087, 11189, 11190, 11191, 11195,  
11212 and 11215 of 2019**

**Dated : 10.03.2025**