

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6660 OF 2011

DIRECTOR OF PUBLIC HEALTH AND
PREVENTIVE MEDICINE AND ANOTHER . . . APPELLANT (S)

VERSUS

M. JANARTHNAM . . . RESPONDENT (S)

WITH

CIVIL APPEAL NO(S) . 6661-6670 OF 2011

CIVIL APPEAL NO(S) . 6671-6680 OF 2011

CIVIL APPEAL NO(S) . 6681-6691 OF 2011

CIVIL APPEAL NO(S) . 6692-6701 OF 2011

CIVIL APPEAL NO(S) . 6702-6714 OF 2011

CIVIL APPEAL NO(S) . 6715-6726 OF 2011

CIVIL APPEAL NO(S) . 6727-6743 OF 2011

CIVIL APPEAL NO(S) . 6754-6763 OF 2011

CIVIL APPEAL NO(S) . 6764-6773 OF 2011

CIVIL APPEAL NO(S) . 6774-6786 OF 2011

CIVIL APPEAL NO(S) . 6787-6795 OF 2011

CIVIL APPEAL NO(S) . 6796-6805 OF 2011

CIVIL APPEAL NO(S) . 6806-6815 OF 2011

CIVIL APPEAL NO(S) . 6816-6825 OF 2011

CIVIL APPEAL NO(S) . 6826-6835 OF 2011

CIVIL APPEAL NO(S) . 6836-6845 OF 2011

CIVIL APPEAL NO(S) . 6846-6855 OF 2011

CIVIL APPEAL NO(S) . 6856-6865 OF 2011

CIVIL APPEAL NO(S) . 6744-6753 OF 2011

O R D E R

1. Delay in filing the application(s) for substitution, if any, is condoned.

2. Application(s) for substitution, if any, is/are allowed.

3. These appeals are directed against the judgment(s) and order(s) passed by the High Court of judicature at Madras in Writ Petition Nos. 29794 of 2005 and connected writ petitions, dated 13.07.2007.

4. The respondents in the instant case, had approached the High Court and sought for directions to be issued to the appellants to retrospectively promote them in the cadre of Health Inspector from the date on which they were eligible to hold the post, with all the monetary benefits and other consequential service benefits as done in the case of Ramalingam in G.O (D) No.359, Health and Family Welfare Department, dated 26.04.2004.

5. The respondents in the instant case are working as Health Inspector Grade-I in the Government Primary Health Centre in different Districts in the State of Tamil Nadu. They were initially appointed to different posts in the Health Department such as Vaccinator, Surveillance Worker, Field Assistant, Cholera Worker etc., some of them were promoted as Health Supervisor, later on re-designated as Health Inspector Grade-I. Subsequent to

promotion of their Juniors, they submitted representations to promote them with effect from the date on which they were eligible to hold the post of Health Inspector, *i.e.*, after obtaining qualification and based on seniority.

6. The respondents had contended before the High Court that promotion was given to one D.Dhanasekaran, who approached the Tribunal by way of filing application being O.A. No.3763 of 1994, which was allowed by the Tribunal by order dated 16.3.1996 with a direction to regularize his services with effect from 03.10.1970, the date on which he was eligible to be promoted as Health Inspector. The matter was taken to the Supreme Court and the same was dismissed. They submitted that even though specific directions were given to all the authorities to implement the order passed by the Government, they failed to pass orders in the case of the writ petitioners before the

High Court. The petitioners therein, had approached the Tribunal, the Tribunal in its common order dated 10.8.2001, directed that petitioners' deemed promotion will be with effect from the date to be notified by the respondents and in accordance with the seniority list published in the proceedings of the Director of Public Health and Preventive Medicine in R.No.115738/MP II/S 2/95. The petitioners further submitted that as per the order passed by the Tribunal, one Ramalingam was promoted in the cadre of Health Inspector with effect from 01.7.1970, the date on which he passed the Sanitary Inspector Course and accordingly his services were regularized and the monetary benefits were given. The petitioners therein had contended that the order of the Tribunal was not implemented in the case of the petitioners and the representations made by them in this regard were also not considered.

7. The petitioners had further contended that the case of Thiru D.Dhanasekaran for whom retrospective regularization was done, based on the Court directions, is entirely different. They submitted that he was fully qualified possessing the Sanitary Inspector Course before his entry level post as vaccinator and that the petitioners before the High Court have all qualified in Sanitary Inspector Course at a later date, after joining in the service and, therefore, they cannot be considered on par with Thiru.D.Dhanasekaran and given monetary benefits.

8. The High Court directed the respondents therein, 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 05.3.1996 and the

order of Tribunal dated 10.8.2001 and also the consequential G.O. (D) No.359 Health and Family Welfare (N2) Department dated 26.4.2004.

9. Aggrieved by the order so passed by the High Court, the appellants are before us in these appeals. The counsel for appellants would contend that, the case of D. Dhanasekaran, on which reliance has been placed, stands on a different footing, since he was initially appointed as Health Inspector possessing requisite qualification i.e. passed the Sanitary Inspector Certificate Course. He would further contend that the respondents could not have been promoted to the post of Health Inspectors retrospectively since they were not appointed on the said post at the relevant point of time.

10. We have heard learned counsels for the parties to the *lis* and have carefully

perused the records of the case. We find no infirmity in the order(s) passed by the High Court.

11. Therefore, in our considered opinion, we do not see any good ground to interfere with the judgment and order passed by the High Court. Accordingly, the civil appeals are dismissed.

Ordered accordingly.

.....CJI.
(H.L. DATTU)

.....J.
(A.K. SIKRI)

.....J.
(ARUN MISHRA)

NEW DELHI;
FEBRUARY 25, 2015.

ITEM NO.6

COURT NO.1

REVISED
SECTION XII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s) . 6660/2011

DIR., PUBLIC HEALTH &
PREVENTIVE MED.&ANR

Appellant(s)

VERSUS

M. JANARTHNAM

Respondent (s)

WITH

C.A. No. 6661-6670/2011
(With Office Report)

C.A. No. 6671-6680/2011
(With Office Report)

C.A. No. 6681-6691/2011
(With Office Report)

C.A. No. 6692-6701/2011
(With Office Report)

C.A. No. 6702-6714/2011
(With Office Report)

C.A. No. 6715-6726/2011
(With Office Report)

C.A. No. 6727-6743/2011
(With Office Report)

C.A. No. 6754-6763/2011
(With Office Report)

C.A. No. 6764-6773/2011
(With Interim Relief and Office Report)

C.A. No. 6774-6786/2011
(With Interim Relief and Office Report)

Mr. P. N. Ramalingam, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Delay in filing the application(s) for
substitution, if any, is condoned.

Application(s) for substitution, if any,
is/are allowed.

The civil appeals are dismissed in terms
of the signed order.

Pending application(s), if any, stand
disposed of.

(Neetu Khajuria)
Sr.P.A.

(Vinod Kulvi)
Assistant Registrar

(Signed order is placed on the file.)