



ABSTRACT

Establishment – Multi Purpose Health Workers Scheme - Promotion as Block Health Supervisor from the category of Basic Health Inspectors and from the category of Health Assistants in Kanyakumari District and Sengottai Taluk notionally from the date on which their Junior was promoted as Block Health Supervisor – Orders – Issued.

HEALTH AND FAMILY WELFARE (L1) DEPARTMENT

G.O. (Ms) No.206

Dated 14.07.2014
Thiruvalluvar Aandu – 2045
Jaya, Aani-30.

Read:

1. G.O. (Ms.) No.65, Health and Family Welfare Department, dated: 11.01.1977.
2. G.O. (Ms.) No.1936, Health and Family Welfare Department, dated: 29.09.1982.
3. The High Court of Madras order-dated 20.4.2007 in Writ Petition No.13352 of 2002.
4. G.O.(Ms) No.225, Health and Family Welfare (N1) Department, dated 17.07.2012.
5. The High Court of Madras order-dated: 13.12.2012 in Writ Petition Nos.33351 – 33355 of 2012.
6. The Madurai Bench of Madras High Court common order-dated:19.04.2013 in W.P.(MD) No.4021/2013, W.P.(MD) No.4059/2013 and W.P.(MD) No.5585/2013.

ORDER:

In the Government Order first read above, the Government accepted the scheme of Multi Purpose Health Workers and issued orders to implement the scheme in the 5 Districts of Kanyakumari, Madurai, Chengalpattu, South Arcot and Salem adopting the basis of one pair of male and female Health Workers for every 5000 population. In the Government Order second read above, the Government identified the various Public Health staff to bring under the categories of Multi Purpose Health Workers (Male) and Multi Purpose Health Supervisors (Male) and evaluated the unified scale of pay and fitment after unification of various categories into Health Workers and Health Supervisors. The Multi Purpose Health Supervisor (Male) has been drawn from the categories of Group 'A' consisting of 1542 Health Inspectors and Basic Health Inspectors followed by Group 'B' consisting of 697 Health Assistants in Kanyakumari District and Sengottai Taluk, Cholera Supervisors (Government Side), Health Assistants in Panchayat Unions and finally followed by Group 'C' consisting of 247 Basic Health Inspectors, amounting to a total of 2486 persons and appointment given to them according to the vacancies, first from the seniority list of persons in the 'A' Group followed by persons in the seniority

list of 'B' group and finally followed by persons in the seniority list of 'C' group. Before issue of the above said order, a provisional seniority list of 1608 Selection Grade Health Inspectors/ Health Inspectors has been issued during 1981.

2. Based on the instructions issued in the Government order second read above and based on the direction of the Tamil Nadu Administrative Tribunal dated 25.06.1992 in O.A. No.976/1990, a revised provisional Inter-se-seniority was published during 1994 in which the available total number of persons were found in excess compared to the list in the Government order second read above. When the Government decided to implement the Government order second read above, the Tamil Nadu Provincialised Health Supervisors Association filed an O.A.No.5208/1995 in Tamil Nadu Administrative Tribunal contending that even while implementing the Government Order, Rule 35(aa) of the General Rules applicable to the Tamil Nadu State and Subordinate Services should be applied and the same was dismissed. Another Original Application for the same prayer was also dismissed. Hence, the Tamil Nadu Provincialised Health Supervisors Association filed a writ petition against the order of the Tamil Nadu Administrative Tribunal.

3. The High Court of Madras in its order third read above has directed to fix the number of persons to be considered for promotion to the post of Multi Purpose Health Supervisor (Male) strictly within the number of candidates as prescribed in Government order second read above. The Supreme Court of India in Special Leave Petition (CC) No. 5289/2009 filed by the Government had confirmed the above orders the High Court of Madras.

4. On examination for implementing the High Court of Madras order third read above, the Director of Public Health and Preventive Medicine stated that one Thiru B.Dharmalingam, Health Inspector, who is junior to the Health Assistants (Panchayat Union) as per the above said judgement, had been promoted as Block Health Supervisor with effect from 28.07.1996. He had therefore informed that the 514 Health Assistants (Panchayat Union) are eligible for retrospective promotion as Block Health Supervisor from 28.07.1996 notionally. Hence, in the Government order fourth read above, the Government directed the Director of Public Health and Preventive Medicine as follows:-

- (i) To restrict the number of persons to be considered for promotion to the post of Multi Purpose Health Supervisors (Male) now Health Inspector Grade-I within the number of candidates as prescribed in the Government order second read above.
- (ii) To give retrospective promotion as Block Health Supervisor to 514 Health Assistants (Panchayat Union) notionally from the date of their Junior Thiru.B.Dharmalingam who was promoted as Block Health Supervisor on 27.08.1996.

5. But the above said 514 Health Assistants (Panchayat Union) are coming under Group B (iii) as per the Government order second read above. Hence, Thiru.K.Veerabathiran, A.K.Chellappan, N.Kuppan, T.V.Chellaswamy and G.Subbaralu who belong to the category of 380 numbers of Basic Health Inspectors (qualified) coming under group A (ii) as per the Government order second read above, filed Writ Petitions (W.P.Nos. 33351 – 33355 of 2012 respectively) before the Hon'ble High Court of Madras with a prayer to fix their seniority in accordance with the Government order second read above and to grant all promotions with retrospective effect in accordance with the seniority with all monetary benefits with arrears in the revised scale with interest. The High Court of Madras in its order fifth read above, has given the following direction to the Director of Public Health and Preventive Medicine:-

“to consider the grievance of the petitioners for according them promotion and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.”

6. In the meantime, Thiru. A.Kanagaraj, K.Abdul Bari and 20 others and E.Bagavathi Perumal Pillai who belong to the category of 62 numbers of Health Assistants in Kanyakumari District and Sengottai Taluk (Government side) coming under group B (i) as per the Government order second read above, filed writ petitions (W.P.(MD)No.4021/2013, W.P.(MD) No.4059/2013 and W.P.(MD) No.5585/2013) before the Madurai Bench of Madras High Court with a prayer to promote them as Block Health Supervisor retrospectively from the date on which the juniors were promoted in the light of the order, dated 20.04.2007 made in W.P.No.13352 of 2002 and by considering the petitioner's representation dated 09.03.2013. The Madurai Bench of Madras High Court in its common order sixth read above has given the following direction:-

“In view of the narrow prayer, a direction is issued to the first respondent to consider the representation of the petitioners dated: 09.03.2013 in the light of the order-dated: 20.04.2007 made in W.P.No.13352 of 2002 and also in the light of G.O.(Ms) No.1936, Health and Family Welfare Department, dated: 29.09.1982 and G.O.(Ms) No.225, Health and Family Welfare Department, dated: 17.07.2013, and pass orders within a period of eight weeks from the date of receipt of a copy of this order.”

7. The Director of Public Health and Preventive Medicine has therefore requested the Government to issue orders to promote the 62 Health Assistants of Kanyakumari (in B (i) Group) and 380 Basic Health Inspectors (in A(ii) Group) who were brought under Multipurpose Health Workers Scheme as Multipurpose Health Supervisors, into Block Health Supervisors retrospectively with effect from 27.08.1996, that is the date of promotion of their Junior Thiru.B.Dharmalingam.

8. After a detailed examination of the proposal of the Director of Public Health and Preventive Medicine as per the orders of the High Court of Madras fifth read above and the Madurai Bench of Madras High Court common order sixth read above, the Government have decided to accept the representation of the petitioners. Accordingly the Government direct the Director of Public Health and Preventive Medicine to give retrospective promotion as Block Health Supervisor to the category of 380 Basic Health Inspectors, who were in service on 27.08.1996, coming under

