



ABSTRACT

Tamil Nadu Public Health Service – Filling up of the 110 vacant posts of Health Inspector Grade-II [Now Multipurpose Health Workers (Male)] – Permission granted - Orders issued.

HEALTH AND FAMILY WELFARE (L1) DEPARTMENT

G.O. (Ms). No.38

05.02.2016

Thiruvalluvar Aandu - 2047

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Read:

1. G.O.(Ms).No.305, Health and Family Welfare Department, dated 20.09.2009.
2. Orders of Hon'ble High Court of Madras, dated 12.11.2013 in W.P.No.25673/2013.
3. G.O.(D).No.1090, Health and Family Welfare Department, dated 24.10.2014.
4. Orders of Hon'ble High Court of Madras, dated 18.11.2014 in C.P.No.1493/2014 in W.P.No.25673/2013.
5. Orders of Hon'ble High Court of Madras, dated 12.12.2014 in W.A.No.1606/2014.
6. Government Pleader, High Court of Madras, Opinion No.168/2015, dated 20.02.2015.

Read again:

7. From the Director of Public Health and Preventive Medicine, letter No.105599/Trg./S4/2014, dated 24.06.2015.

ORDER:

In the Government Order first read above, orders were issued permitting the Director of Public Health and Preventive Medicine to appoint the candidates who have obtained "Diploma in Sanitary Inspector Course" from All India Local Self Government Institutions, as Health Inspector Grade-II, in Public Health Subordinate Service, by relaxing the relevant Rule of the Tamil Nadu Public Health Subordinate Service Rules. "The Unemployed Sanitary and Health Inspector Trained Graduates Welfare Association" and one Thiru.G.Ravi, who are in possession of "Diploma in Sanitation Course" awarded by the Pondicherry University Community College have filed Writ Petition No.25673 of 2013 before the High Court of Madras with a prayer to appoint them in the post of Health Inspector Grade-II (now Multipurpose Health Worker-Male). The Hon'ble High Court in their order second read above, has directed among others, that the Government to consider the request of the Association in the light of the orders in G.O.(Ms).No.305, Health and Family Welfare Department, dated 22.09.2009 and G.O.(D).No.310, Municipal Administration and

Water Supply Department, dated 22.07.2008 within a period of twelve weeks from the date of receipt of the order, if otherwise they are qualified. The Government have filed Writ Appeal No.1606 of 2014 before the High Court of Madras.

2. In the meantime, "The Unemployed Sanitary and Health Inspector Trained Graduates Welfare Association" has filed Contempt Petition No.1493/2014 in W.P.No.25673/2013 before the High Court of Madras. The High Court of Madras in its order fourth read above, among others, has ordered interim injunction prohibiting the respondent from appointing anybody for 110 posts till 26.11.2014. The Government have, therefore, directed the Director of Public Health and Preventive Medicine to keep 134 posts of Multi Purpose Health Worker (Male) as vacant and to appoint 600 trained candidates out of the 734 estimated vacancies of Multi Purpose Health Worker (Male), in order to comply with the above orders of the Court. In the Writ Appeal No.1606 of 2014 in its order fifth read above, the Hon'ble High Court of Madras has granted interim stay to the orders of High Court of Madras for its order second read above. Subsequently, the stay made absolute on 19.01.2015.

3. In the meantime, "The Unemployed Sanitary and Health Inspector Trained Graduates Welfare Association" has made a representation to the Government to implement the orders of Hon'ble High Court, dated 12.11.2013 in W.P.No.25673 of 2013 and to appoint them as Health Inspectors Grade-II now called as Multipurpose Health Worker (Male). The Director of Public Health and Preventive Medicine has stated that as on date a total number of 1338 vacancies are existing in the post of Multi Purpose Health Worker (Male) and that it is essential to fill up the posts for effective control of communicable diseases like fever and diarrheal diseases. He has also stated that Multipurpose Health Worker (Male) training was also discontinued. In view of the non-availability of candidates trained by their directorate as on date and the absolute essential to fill up the post of Multi Purpose Health Worker (Male) in the interest of protecting the Health of the people of the State, he has requested the Government to issue appropriate orders in this regard.

4. The Government have examined the issue in detail considering the dire need in the light of the report of the Director of Public Health and Preventive Medicine along with the opinion of the Law Officers of Hon'ble High Court of Madras and issued the following orders:-

- a) The Director of Public Health and Preventive Medicine is permitted to fill up only 110 vacant posts of Health Inspector Grade-II [Multipurpose Health Worker (Male)] without referring to Medical Services Recruitment Board as was done previously as per the rules in force and by following the orders issued in G.O.(Ms).No.44, Labour and Employment Department, dated 11.03.2015.
- b) The Director of Public Health and Preventive Medicine is directed to consider the applications of the candidates who are in possession of Diploma in Sanitation Course awarded by the Pondicherry University Community College, Pondicherry including the application of the Unemployed Sanitary Health Inspector Trained Graduates Welfare Association who have filed the case in W.P.No.25673/2013 as a one time measure, in relaxation of Adhoc

rule 5(b)(1)(iii) of the Tamil Nadu Public Health Subordinate Service Rules relating to qualification in cases where they apply subject to the following conditions for such candidates if selected:-

- i. that the appointment will be purely temporary and subject to the outcome of the Writ Appeal pending in the High Court of Madras in W.A.No.1606 of 2014; and
- ii. the individual who will be selected for appointment should submit a consent letter that they are aware of their appointment is subject to the result of the pending Writ Appeal in W.A.No.1606 of 2014 and that they will not claim any equity.

(BY ORDER OF THE GOVERNOR)

J.RADHAKRISHNAN
SECRETARY TO GOVERNMENT

To

The Director of Public Health and Preventive Medicine, Chennai-600 006.

The Chairman, Medical Services Recruitment Board, Chennai-600 006.

The Accountant General, Chennai – 600 018.

The Accountant General (Audit) Chennai-600 0018.

Copy to:

O/o. the Hon'ble Chief Minister, Chennai –600 009.

The Finance (Health-I) Department, Chennai – 600 009.

The Labour and Employment Department, Chennai – 600 009.

The Special Personal Assistant to Hon'ble Minister (Health), Chennai – 600 009.

SF/SCs/Data Cell.

//FORWARDED BY ORDER//

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SECTION OFFICER
05/02/2015