

State MD in court for job

Did Dr. Rangasamy Natarajan relinquish his permanent civil service title of psychiatrist when he left a position at St. Lawrence Developmental Center three years ago to accept a provisional appointment as a deputy director at Willowbrook Developmental Center, another Mental Hygiene Department facility?

This appeared to be the central issue which Supreme Court Justice John A. Garbarino will be called upon to decide in determining whether Dr. Natarajan is entitled to hold permanent civil service status as a deputy director of Willowbrook.

The judge reserved decision after hearing arguments yesterday, and gave attorneys for both sides two weeks to submit additional legal papers.

While the case is pending before him, Garbarino directed the Mental Hygiene Department to continue to retain Dr. Natarajan as one of the four deputy directors of Willowbrook where he is the chief of medical affairs. As a deputy director, he is paid \$43,000 annually.

Dr. Natarajan, a 58-year-old native of India, brought a court proceeding to win permanent status last November after being informed that his services were being terminat-

ed without an explanation.

In October 1974, Dr. Natarajan passed a civil service promotion exam for deputy director, and was certified two months later as eligible for the position.

Last Sept. 18 he was notified that his provisional appointment as a deputy director would be terminated effective Nov. 20. Unknown to him at the time, however, on the following day, Sept. 19, his name was transferred by the state Civil Service Department to an open competitive list for the position. He did not learn of the latter action until after he instituted an Article 78 proceeding in the Supreme Court.

Assistant State Attorney General Harold Tompkins conceded yesterday that if Dr. Natarajan had been officially transferred from St. Lawrence to Willowbrook he would be entitled to the permanent title of deputy, since he would have retained his previous permanent title of psychiatrist and would therefore have been eligible for the permanent promotion.

The problem which the Civil Service Department encountered, according to Tompkins, was that records failed to reveal that Dr. Natarajan fulfilled civil service requirements for officially transferring from one institution to another even if both are within the Mental Hygiene Department.

Tompkins indicated that he has information that Dr. Natarajan may have resigned when he left St. Lawrence, thereby losing his permanent civil service title of psychiatrist, making him ineligible

for the permanent promotion list. He admitted, however, there is no evidence that Dr. Natarajan ever wrote a formal letter of resignation.

Tompkins could offer no explanation in response to a question from the judge why Dr. Natarajan could not be appointed from the open competitive list, other than that the Civil Service Department opposed it.

Dr. Natarajan's lawyer, William P. Volin, indicated he was amenable to an appointment from the open competitive list, even though earlier he had expressed concern that Dr. Natarajan would lose seniority as a result of the action taken by the Civil Service Department in the doctor's case.

Under civil service law, anyone who qualifies for a position may be placed on an open competitive job list without previous civil service status. However, the position does not have the security normally attached to a civil service promotion and is influenced by such factors as seniority. The law also requires that a promotion list be exhausted before an appointment may be made from an open competitive list.

When pressed by Garbarino why the Civil Service Department should not resolve the issues raised by Dr. Natarajan, Tompkins implied that the Civil Service Department was fully informed in regard to the case and preferred to seek a judicial determination.

Volin denied that Dr. Natarajan had resigned when he left St. Lawrence.