

Willowbrook doctor wins court battle for his job

By RAYMOND A. WITTEK

Dr. Rangasamy Natarajan has won his court fight to be appointed to the permanent position of deputy director at Willowbrook Developmental Center.

In a three-page decision, Supreme Court Justice John A. Garbarino ordered the state Civil Service Department to place Dr. Natarajan's name on an open competitive list retroactive to Dec. 12, 1974, a technical move which mandates the permanent appointment.

Dr. Natarajan brought the court proceeding after he was notified that effective last Nov. 20 his appointment as provisional deputy director was to be terminated. The state Mental Hygiene Department took the action after Dr. Natarajan had passed a written examination for the permanent post.

Dr. Natarajan has served as one of Willowbrook's four deputy directors, as chief of medical affairs, since January 1973, when he transferred from St. Lawrence Developmental Center, another Mental Hygiene Department facility.

The state attorney general's office contended that when Dr. Natarajan made the change he relinquished his then permanent civil service title of psychiatrist, implying that he had resigned. This was denied by Dr. Natarajan.

Garbarino said that in October 1974 the doctor passed

the test for the permanent position of deputy director. The test was "at once a promotional examination and an open competitive examination," the judge observed.

The following December, Dr. Natarajan's eligibility for appointment to the permanent position on a promotion list was certified, but last September he was informed that he was being dropped from his provisional appointment.

At the same time, the judge said, the state claimed that an error had been made in placing Dr. Natarajan's name on the promotion list because he had lost his permanent civil service status in taking the job at Willowbrook.

The state then placed Dr. Natarajan's name on an open competitive list for the position. Dr. Natarajan did not learn of this change until after he initiated the court case. The state maintained, however, that Dr. Natarajan could not be considered for appointment from the open competitive list under Civil Service Law because he had not served 60 days between the time his name was placed on the open competitive list and the time he was notified of the termination of his service.

Garbarino called the state's actions "utter nonsense."

The judge said Dr. Natarajan was not responsible for his name being placed on the promotion list, an error admitted by the state. When the state placed Dr. Natarajan on the open competitive list 10

months later, the state did so because it "quite obviously decided to part company with the petitioner," the judge said.

Garbarino said the state's decision to fix the date of Dr. Natarajan's placement on the open competitive list — last Sept. 19 — was "arbitrary and capricious."

Accordingly the judge held that the date for the naming of Dr. Natarajan to the open competitive list should have been Dec. 12, 1974 — the date Dr. Natarajan's name appeared on the promotion list.

In setting the earlier date for the listing of Dr. Natarajan on the open competitive list, the judge effectively complied with the 60-day issue raised by the state, and cleared the way for the doctor's appointment to the permanent position.

Under civil service law anyone who qualifies for a position may be placed on an open competitive list without previous civil service status. The position, however, does not have the security normally attached to a civil service promotion, and is influenced by such factors as seniority.

As a deputy director, Dr. Natarajan, a 58-year-old native of India, receives \$43,000 annually. He was represented by William P. Volin.