



WEB COPY

WP No. 28290 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-07-2026

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THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 28290 of 2026

AND

WMP NO. 31016 OF 2026, WMP NO. 31017 OF 2026

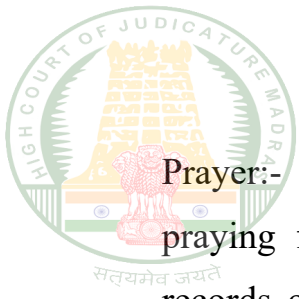
1. K.Sargunanathan
2. M. Gunaseelan

..Petitioner(s)

Vs

1. The Secretary To Government
Ministry of health and Family Welfare
Department,
Fort St. George Secretariat,
Chennai 600 009
2. The Commissioner
Municipal Administration,
Ezhilagam, Chepauk,
Chennai 600 005
3. The Director
Public Health and preventive Medicine
Department,
D.M.S. Complex Teynampet,
chennai 600 018
4. The commissioner
Tiruvathipuram Municipality,
Tiruvathirpuram
Cheyyar 604 407
5. The Commissioner
Arni Municipality, Arni,
tiruvannamalai District 632 301

..Respondent(s)



Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus calling for the records of the respondents particularly that of the 1st respondent vide Letter No.3637/C1/2026-2 dated 18.06.2026 and quash the same as illegal, unlawful, violative of rule of law and consequently direct the 1st Respondent to pass appropriate orders notifying regularization of services of the petitioner by fixing his time scale based on the recommendatory proceedings of the 3rd respondent dated 02.11.2020 in R. No 46630/ PHC -7 / A2/ 2019 addressed to the 1st respondent which is based on G.O.No. 299 dated 16.12.2016 by fixing the crucial date of appointment as 20.04.2012 within the time frame to be stipulated by this Honble Court.

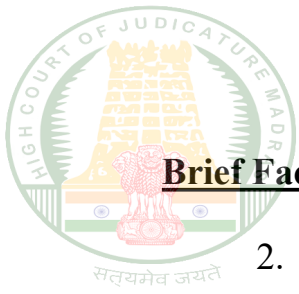
For Petitioner(s): Mr.T.S.Rajamohan

For Respondent(s): Mr.V.Sivalingam, GA for R.1 to R3.

ORDER

This Writ Petition has been filed for the following reliefs:-

“calling for the records of the respondents particularly that of the 1st respondent vide Letter No.3637/C1/2026-2 dated 18.06.2026 and quash the same as illegal, unlawful, violative of rule of law and consequently direct the 1st Respondent to pass appropriate orders notifying regularization of services of the petitioner by fixing his time scale based on the recommendatory proceedings of the 3rd respondent dated 02.11.2020 in R. No 46630/ PHC -7 / A2/ 2019 addressed to the 1st respondent which is based on G.O.No. 299 dated 16.12.2016 by fixing the crucial date of appointment as 20.04.2012 within the time frame to be stipulated by this Honble Court.”

**Brief Facts:-**

2. The petitioners are qualified Pharmacists holding Diploma in Pharmacy and are duly registered with the Tamil Nadu Pharmacy Council. They have also registered their names with the Employment Exchange and have been renewing their Pharmacy Council registration from time to time.

3. Pursuant to G.O.Ms.No.103, Health and Family Welfare Department, dated 15.04.2010, the fourth respondent, by proceedings dated 12.01.2011, appointed the petitioners as Pharmacists on consolidated pay in Urban Primary Health Centres. The first petitioner joined duty on 20.04.2012 and the second petitioner on 12.04.2012, and they have been continuously serving ever since without any break in service.

4. The petitioners would submit that G.O.Ms.No.299, Health and Family Welfare Department, dated 16.12.2016, provides that Pharmacists appointed on contract basis shall be absorbed into regular vacancies in the time scale of pay on completion of two years of service, as and when vacancies arise. According to the petitioners, they became eligible for regularisation on completion of two years of continuous service. Further, the third respondent, by proceedings dated 02.11.2020, recommended absorption of 39 similarly placed Pharmacists, including the petitioners, into regular time scale vacancies.



5. Despite rendering more than 13 years of continuous service, the petitioners have neither been regularised nor granted the benefit of time scale of pay and other attendant service benefits. Therefore, the petitioners submitted several representations, the last of which was dated 05.07.2025, seeking regularisation of their services. However, no favourable orders were passed.

6. Aggrieved by the inaction of the respondents, the petitioners filed W.P.No.2869 of 2026, and this Court, by order dated 03.02.2026, directed the respondents to consider the petitioners' representation on merits.

7. Pursuant thereto, the first respondent, by Letter No.3637/C1/2026-2 dated 18.06.2026, rejected the petitioners' request for regularisation on the ground that their appointments were not made in accordance with the Tamil Nadu Medical Subordinate Service Rules. Challenging the said proceedings as arbitrary and contrary to G.O.Ms.No.299 dated 16.12.2016 and the recommendation of the third respondent dated 02.11.2020, the petitioners have filed the present writ petition.

8. Heard the learned counsel on either side and perused the records.



9. A perusal of the records would show that the petitioners had earlier filed WP.No.2869 of 2026 seeking a mandamus to the 1st respondent to consider and pass orders on their representation. The sum and substance of the petitioners' representation was that the services of similarly placed persons had been regularized through proceedings of the 3rd respondent dated 02.11.2020 in R.No.46630/PHC-7/A2/2019. The said order is extracted hereinbelow as follows:-

Department of Public Health and Preventive Medicine

From Dr.T.S.Selvavinayagam, M.D., D.P.H., D.N.B., Director of Public Health and Preventive Medicine, 359, Anna Salai, Chennai-6.	To The Principal Secretary to Government, Health and Family Welfare Department, Chennai-9.
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Sir,

R.No.46630/PHC-7/A2/2019, Dated: 02.11.2020

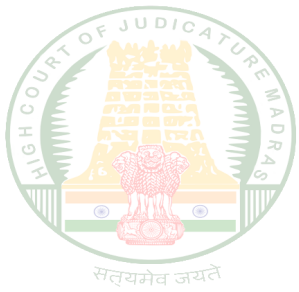
Sub : Public Health - Establishment - Tamil Nadu
Medical Subordinate Services - 39 Pharmacists,
working in Urban Primary Health Centres on
contractual basis - To be absorbed into Regular
Scale of pay - Certain particulars submitted -
Regarding.

Ref : 1. G.O.(Ms.)No.103, Health & Family Welfare
Department, Dated: 15.04.2010. o]
2. G.O.(Ms.)No.130, Health & Family Welfare
Department, Dated: 12.04.2012.
3. G.O.(Ms.)No.335, Health & Family Welfare
Department, Dated: 12.11.2015.
4. G.O.(Ms.)No.299, Health & Family Welfare
Department, Dated: 16.12.2016.
5. This office Even Letter No. dated: 20.07.2019
6. Government Lr.No.27114/C1/2019-1 H&FW
department, dated: 22.10.2020

In response to the Government letter 6th cited, I have submitted the following details for kind perusal of the Government.

1. As per the Government Order 3rd & 4th cited, Government have permitted the DPH&PM to absorb the Pharmacists who were recruited through **Medical Services Recruitment Board** into Time Scale of pay on completion of their 2 years service in contractual basis. Whereas based on the G.O read 1st above certain Municipal Commissioners were appointed 39 Pharmacists in Urban Primary Health Centres on contractual basis by following rule of reservation with reference to employment exchange, which was made prior to constitution of **Medical Services Recruitment Board**. Hence, necessary proposal has been submitted to Government vide the reference 5th cited for seeking permission to absorb them into Regular

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Scale of pay along with service particulars and attested copies (related to appointment) duly signed by the concerned Municipal Commissioners.

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2. Further, as requested in the reference 6th cited original records received from the concerned Municipal Commissioners (25 in original and 14 attested) pertaining to the aforesaid appointment is also enclosed herewith.
3. Further, on scrutiny of the aforesaid records I hereby acknowledge that the appointment has been made by following rule of reservation and other existing rules in force.
4. In respect of qualification all the 39 Pharmacists are fully qualified to hold the Pharmacist post as mentioned in special rules and in respect of age also no relaxation is required.

Hence, by considering the above circumstances & based on the proposal sent vide the reference 5th cited, I kindly request you to accord necessary permission to absorb the 39 Pharmacists working in Urban Primary Health Centres on contractual basis into Regular scale of pay from the date of completion of their 2 years of service in contractual basis by posting them in the existing Time Scale vacancies available in Rural Primary Health Centres.

Yours faithfully,

[Signature]
for Director of Public Health and
Preventive Medicine, Chennai-6.

Spare-1

[Signature]
21/11/20

10. The Annexure to the aforesaid proceedings would show that the similarly placed persons appointed in the year 2011 were also considered for regularisation. The petitioners herein were likewise appointed in the year 2011. Their representation, therefore, was that they be considered in line with the earlier order dated 02.11.2020. However, the impugned order passed by the 1st respondent dated 18.06.2026 makes no reference to the earlier order dated 02.11.2020. Therefore, the petitioners' representation has not been considered properly.



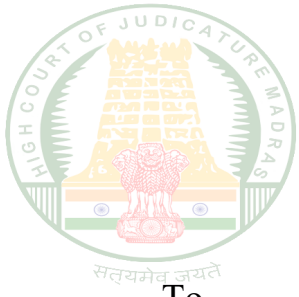
11. In these circumstances, this Court, without going into the merits of the case, deems it appropriate to quash the impugned order passed by the 1st respondent dated 18.06.2026 and direct the 1st respondent to consider the petitioners' representation dated 05.07.2025 afresh, examine it in the light of the earlier order dated 02.11.2020, and pass a speaking order within four weeks from the date of receipt of a copy of this order. Since the petitioners have already been heard, no further personal hearing is required.

12. It is rather unfortunate that not only have the petitioners' requests been rejected, but their consolidated salary has also not been paid. The details enclosed at Page No.108 of the typed set of papers disclose that the first petitioner has not been paid his consolidated salary from February 2025 onwards and the second petitioner has not been paid his consolidated salary from April 2025 onwards. It is needless to state that the respondents shall forthwith disburse the arrears of consolidated salary payable to the petitioners, within the aforesaid period.

13. Accordingly, the Writ Petition is allowed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

22-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
SHR



WP No. 28290 of 2



P.T.ASHA J.

SHR

To

1. The Secretary To Government
Ministry of health and Family Welfare Department,
Fort St. George Secretariat,
Chennai 600 009
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Municipal Administration,
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