

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-08-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION Nos.23445 and 23446 of 2015

P.Muniappan ...Petitioner in WP 23445/2015

P.Sanjeevan ...Petitioner in WP 23446/2015

vs

1. The State of Tamil Nadu
Rep. By its Secretary
Health and Family Welfare Department
Fort St. George, Chennai 9
2. The Director of Public Health &
Preventive Medicine
DMS Compound, Anna Salai
Chennai 6.
3. The District Collector
Dharmapuri, Dharmapuri (D.T.)
4. Administrative Officer
For Joint Director of Medical & Rural
Health Service & Family Welfare
Dharmapuri (D.T)
5. Medical Officer
Government District Head Quarters Hospital
Pennagaram,
Dharmapuri (D.T)

...Respondents in both petitions

Writ petitions filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to consider the petitioners to bring into regular time scale of pay in the light of G.O.(Ms) No.340, Health and Family Welfare (EAP 1/1) Department, dated 2.12.2010, so as to enable them

to get their service regularised in the time scale of pay as Hospital Worker within a stipulated period.

For Petitioners : Ms.Selvi Rajesh

For Respondents : Mr.V.Subbiah
Special Government Pleader

COMMON ORDER

By consent, both the writ petitions are taken up for final disposal.

2.The petitioners claim that they are working as Sweepers in Government Primary Health Centre at Pennagaram, which comes under the control of the fifth respondent, on consolidated pay basis. The petitioners would further claim that though they were appointed on contract basis, there is no irregularity or illegality in their appointment and they are full time employees.

3.The petitioners would state that they are in possession of very many records to show that their employment is continuous like that of the regular employees, and placed reliance upon G.O.(Ms) No.340, Health and Family Welfare (EAP 1/1) Department, dated 2.12.2010, and also the reference letter of the Project Director, Tamil Nadu Health Systems Project, dated 22.3.2010, and would further state that as per the said proceedings, persons, who have completed two years of service and who have been paid salary either on contract or daily wage basis, shall be appointed as Hospital Worker in the time scale of pay and the petitioners, in this regard, submitted individual representations dated 12.8.2014, to the respondents and since they have not been favoured with any response, came forward to file these writ petitions.

4.Heard the submissions of Ms.Selvi Rajesh, learned Counsel appearing for the petitioners, and Mr.V.Subbiah, learned Special Government Pleader, who accepted notice on behalf of the respondents.

5.Though the petitioners prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioners, permits the petitioners to submit one more reminder by enclosing a copy of this order as well as copies of their earlier representation dated 12.8.2014, to the respondents 1 and 2 within a period of two weeks from the date of receipt of a copy of this order, and the respondents 1 and 2, on receipt of the same, are directed to consider it on merits and in accordance with law and pass orders within a period of

six weeks thereafter and communicate the decision taken, to the petitioners. The writ petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

nsv

To

1. The Secretary to Government
Health and Family Welfare Department
Fort St. George, Chennai 9
 2. The Director of Public Health &
Preventive Medicine
DMS Compound, Anna Salai
Chennai 6.
 3. The District Collector
Dharmapuri, Dharmapuri (D.T.)
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Health Service & Family Welfare
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 5. The Medical Officer
Government District Head Quarters Hospital
Pennagaram, Dharmapuri (D.T)
- 2 CCs to M/s. P.Rajesh, Advocate SR.No. 39659, 39660
- 2 CCs to the Government Pleader, SR.No. 39929, 39930

W.P.Nos.23445 and 23446 of 2015

RSI (CO)
PSI (18.08.2015)