

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04-08-2015

CORAM:

THE HON'BLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.23650 of 2015

1. A.Sathya Prabha
D/o. D.Albert Physiotherapist Grade-II
Government Headquarters Hospital, Erode.
2. P.Vidhya
D/o. G.Ponnuchamy Physiotherapist Grade-II
Government Headquarters Hospital, Erode.
3. K.G.Shanthi
S/o. K.P.Govindasamy Physiotherapist Grade-II
Government Institute of Rehabilitation Medicine
K.K.Nagar, Chennai.
4. B.Vennila
D/o. Balashanmugam, Physiotherapist, Grade-II
Institute of Mental Health, Kilpauk
Chennai-10.
5. G.Maragatham
D/o. Govindasamy, Physiotherapist Grade-II
Villupuram Medical College Hospital
Villupuram.
6. J.Senthil Nathan
S/o. G.Jayapaul, Physiotherapist Grade-II
Mohan Kumaramangalam Medical College Hospital
Salem.
7. A.Dharmadurai
S/o. Aranganan, Government Hospital
Coonoor Uthagamandalam,
Nilgiris District.

... Petitioners

Vs

1. The State of Tamil Nadu
Rep. by its Principal Secretary
Department of Health and Family Welfare,
Secretariat
Fort St. George, Chennai-9.

... Respondent

Writ Petition under Article 226 of the Constitution of India praying for a writ of mandamus directing the Respondent to include the services rendered by the Petitioners in the Post of Physiotherapist Grade - II from the year 2002 and re-fix their date of regularization of the Petitioner with effect from their date of appointment within the time period stipulated by this Honourable Court

For petitioners : Mr. K. Thilageswaran

For respondent : Mr. V. Subbiah,
Special Government Pleader

ORDER

By consent, the main writ petition is taken up for final hearing.

2. The petitioners claim that they were initially appointed as Physiotherapist Grade- II on 26-08-2002 on the basis of G.O.(D) No.1577 Health and Family Welfare (C2) Department dated 07-11-2001. Later on, they were brought into regular time scale through the proceedings of the Secretary, Health and Family Welfare Department.

3. The petitioners would further state that in terms of G.O.Ms.No.185, P & AR Department dated 15-05-1991, orders were issued imposing total ban on recruitment of temporary employees through Employment Exchange for a period of one year and later on the ban order was extended for a further period with effect from 15-05-1992. Taking into consideration the situation, vacancies were filled up in para medical posts and technical posts and initially all the appointments were made on a contract basis and subsequently, their services have to be regularised, the learned counsel for the petitioners would contend that their services have to be regularised from the date of appointment on 11-12-2002 and in this regard, they have submitted individual representations before the first respondent. Since no response is forthcoming, the petitioners have come forward with the present writ petition.

4. Mr. V. Subbiah, learned Special Government Pleader takes notice on behalf of the respondent.

5. Though the petitioners pray for a larger relief, this Court without going into the merits of the claim directs the first respondent to consider the representation of the petitioners, on merits and in accordance with law, submitted through the second respondent and pass orders thereon within a period of twelve weeks, thereafter and communicate the decision taken, to the writ petitioners.

6. The writ petition is disposed of, accordingly. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

glp

To

1. Principal Secretary
Department of Health and Family Welfare,
Secretariat,
Fort St. George,
Chennai-9.

+lcc to the Government Pleader, S.R.No.40428

W.P.No.23650 of 2015

TS (CO)
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