

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.24476 of 2015

P.Muniappan

...Petitioner

Vs.

1 The State of Tamilnadu
Rep. by its Secretary Health and Family
Welfare Department Fort St. George
Chennai- 9.

2 The Director of Medical and
Rural Health Services DMS Compound
Teynampet Chennai-6.

3 The Joint Director of Medical and
Rural Health Services and Family Welfare
Dharmapuri.

4 The District Medical Officer
Govt. General Hospital
Dharmapuri.

5 The Employment Officer
Dharmapuri
Dharmapuri District.

...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to consider the petitioner representation dated 1.8.2014 and suitable action for regularize the petitioner service in the 2nd respondent office.

For Petitioner : Mr.P.Murugan

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader

O R D E R

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

2.The petitioner claims that he worked in the Government General Hospital, Dharmapuri during the year 2007 and from 2008 onwards continued to work in Pennakaram Government Hospital as Sanitary Worker and he has studied upto S.S.L.C. and due to poor economic background, he was unable to continue his studies. He has also registered his name with the District Employment Exchange on 18.03.2004 and so far no call letter has been sent and since he is working as Sanitary Worker on daily wage basis for nearly eight years, submitted a representation dated 01.08.2014 praying for regularisation of his service and since no proper response is forthcoming, came forward to file this writ petition.

3.Heard the submissions of Mr.P.Murugan, learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the respondents.

4.The learned Additional Government Pleader would submit that the representation submitted by the petitioner was returned by the third respondent on 10.09.2014 on the ground that the appointment of Sanitary Workers is done by calling for eligible candidates from Employment Exchange and therefore his request cannot be considered.

5.However, in the light of the plea made by the petitioner that he is employed for more than eight years and is continuing in temporary capacity as Sanitary Worker for more than eight years, the third respondent may sympathetically consider his request and pass appropriate orders.

6.In the result, the writ petition is disposed of by directing the third respondent to re-consider the representation dated 01.08.2014 submitted by the petitioner on merits and in accordance with law after providing him an opportunity of personal hearing and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Secretary Health and Family Welfare Department Fort St. George Chennai- 9.
- 2 The Director of Medical and Rural Health Services DMS Compound Teynampet Chennai-6.
- 3 The Joint Director of Medical and Rural Health Services and Family Welfare Dharmapuri.
- 4 The District Medical Officer Govt. General Hospital Dharmapuri.
- 5 The Employment Officer Dharmapuri Dharmapuri District.

1 CC to Mr.P.Murugan, Advocate SR.No. 41321

1 CC to the Government Pleader, SR.No. 42021

W.P.No.24476 of 2015

VD (CO)
PSI (26.08.2015)

सत्यमेव जयते

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