

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.41782 of 2016

R.Mariyappan

... Petitioner

Vs

1.The Secretary to Government
Public Health & Family Welfare Department
Fort St. George, Chennai-9.

2.The Project Director
Reproductive & Child Health Project
D.M.S. Complex, Chennai-6.

3.The Director of Public Health
& Preventive Medicine
D.M.S.Complex, Chennai-6.

4.The Deputy Director of
health Services
Salem, Salem District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the respondents to consider the petitioner's representation dated 1.10.2016 and to direct the respondents to regularize the service in the post of Sweeper in the regular time scale of pay with effect from his initial date of appointment on 11.10.2007 with all service and monetary benefits based on G.O.Ms.No.680 Finance (Pay Cell) Department dated 28.6.2013.

For Petitioner : Mr.D.Ramesh Kumar

For Respondents : Mr.K.Dhananjayan,
Special Government Pleader

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to consider his representation dated 1.10.2016 and to direct the respondents to regularize his service in the post of Sweeper in the regular time scale of pay with effect from his initial date of appointment on 11.10.2007 with all service and monetary benefits based on G.O.Ms.No.680 Finance (Pay Cell) Department dated 28.6.2013.

3. It is the case of the petitioner that he was initially appointed as Sweeper in Government Primary Health Centre at GUPHC, Mechery, Salem District, on 19.10.2007 through employment exchange as per the proceedings of the fourth respondent dated 11.10.2007. From the year 2007 to 2010, the petitioner was paid a sum of Rs.500/- per month as salary and thereafter, till date, he is receiving a sum of Rs.1,500/- per month as salary. While so, the Government issued G.O.Ms.No.385, Finance Department dated 1.10.2010 and G.O.Ms.No.680 Finance Department dated 28.6.2013 stating that the Sweepers working on consolidated pay shall be brought into the regular time scale of pay. That apart, the Government issued a common order in G.O.Ms.No.22 Finance Department dated 23.1.2009 to regularize the service of the daily wage employees in the entire department. Since the petitioner is also entitled to get the benefits as per the said GOs, he made a representation dated 1.10.2016 to the respondents requesting them to regularize his service as full time Sweeper with all monetary benefits from the date of appointment as per G.O.Ms.No.680 Finance Department dated 28.6.2013. Since the same was not considered so far, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the petitioner to give a fresh representation along with a copy of this order to the first respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the first respondent is

directed to consider the said representation seeking regularization of his service as full time Sweeper with all monetary benefits from the date of appointment and pass appropriate orders, on merits and in accordance with law and also in the light of G.O.Ms.No.680 Finance (Pay Cell) Department dated 28.6.2013, within a period of six weeks thereafter. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sbi

To

- 1.The Secretary to Government
Public Health & Family Welfare Department
Fort St. George, Chennai-9.
- 2.The Project Director
Reproductive & Child Health Project
D.M.S. Complex, Chennai-6.
- 3.The Director of Public Health
& Preventive Medicine
D.M.S.Complex, Chennai-6.
- 4.The Deputy Director of
health Services
Salem, Salem District.

+1cc to Mr.D.Ramesh Kumar, Advocate, S.R.No.70192
+1cc to the Government Pleader, S.R.No.70606

W.P.No. 41782 of 2016

PK(CO)
CA(07/12/2016)

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