

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.43825 of 2016

P.Indirani

... Petitioner

Vs.

1.The Secretary to Government,
Public Health & Family Welfare
Department,
Fort St. George,
Chennai - 600 009.

2.The Project Director,
Reproductive & Child Health Project,
D.M.S.Complex, Chenna - 600 006.

3.The Director of Public Health &
Preventive Medicine,
D.M.S. Complex,
Chennai - 600 006.

4.The Deputy Director of Health Services,
Dharmapuri,
Dharmapuri District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of mandamus, directing the respondents to regularise the service in the post of Sweeper in the regular time scale of pay with effect from his initial date of appointment on 25.08.2006 with all service and monetary benefits based on G.O.Ms.No.680 Finance (Pay Cell) Department, dated 28.06.2013.

For Petitioner : Mr.D.Ramesh Kumar

For Respondents: Mr.R.A.S.Senthilvel,
Additional Government Pleader

O R D E R

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

2. The petitioner would state that she was initially appointed as Sweeper in Government Primary Health Centre at Kaarimangalam, Dharmapuri District, through District Employment Exchange, Salem. The petitioner would further state that she has failed SSLC and she belong to Adi-dravidar Community and she continuously working in consolidated pay, though she is fully qualified for regular appointment and her initial appointment was in accordance with the relevant Government Order. The petitioner would further state that her husband died on 11.03.2001 and she is a destitute widow and she is living with her mother and sister's son. It is also stated by the petitioner that she is paid with the salary of Rs.1,500/- per month without benefits and since she had put in required number of service, her service were yet to be converted with the time scale of pay. According to the petitioner, as per G.O.Ms.No.680, Health and Family Welfare Department, dated 28.06.2013, she is entitled to the benefit of time scale of pay. By virtue of the fact that she has completed more than 18 years of service, her service also to be regularised and in this regard, has submitted a representation dated 02.12.2016 to the fourth respondent and since it has not been considered and disposed of, came forward to file this writ petition.

3. Heard the submissions of Mr.D.Ramesh Kumar, learned counsel appearing for the petitioner and Mr.R.A.S.Senthilvel, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

4. Though the petitioner 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 petitioner, permits the petitioner to submit one more representation to the fourth respondent along with the copy of this order as well as the copy of the earlier representation dated 02.12.2016, within a period of two weeks from the date of receipt of a copy of this order and the fourth respondent, on receipt of the same, is directed to process the said representation and forward the proposal to the first respondent within a period of six weeks thereafter. The first respondent, on receipt of the same, is directed to consider the said proposals, on merits and in accordance with law and pass orders within a further period of 10 weeks thereafter and communicate the decision taken, to the petitioner.

5. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary,
Government of Tamil Nadu,
Public Health & Family Welfare
Department,
Fort St. George,
Chennai - 600 009.
- 2.The Project Director,
Reproductive & Child Health Project,
D.M.S.Complex, Chennai - 600 006.
- 3.The Director of Public Health &
Preventive Medicine,
D.M.S. Complex,
Chennai - 600 006.
- 4.The Deputy Director of Health Services,
Dharmapuri,
Dharmapuri District.

+1cc to Mr.D.Rameshkumar, Advocate Sr.74552
+1cc to the Government Pleader Sr.74721

Writ Petition No.43825 of 2016

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