



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :19.07.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.P. (MD) No.16703 of 2013

K.Muniyandi

... Petitioner

vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Health and Family Welfare Department,
Fort St. George,
Chennai-600 009.
- 2.The Director of Public Health and Preventive Medicine,
Mount Road, Chennai - 600 006.
- 3.The Pay and Accounts Officer, (South),
Chennai - 600 035.
- 4.The Assistant Director,
Health & Welfare Department, Ramnad.
- 5.The District Health Officer,
Health Unit District, Sankaran Koil.
- 6.The District Health Officer,
District Health Services,
Tirunelveli.

... Respondents

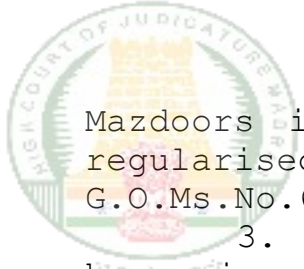
Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus to issue directions to the respondents to regularize the services of the petitioner for the period from 26.07.1978 to 18.08.1983 and to pay the salary and other benefits.

For Petitioner	:	Mr.K.Vadivelu
For Respondents	:	Mr.Aayiram K.Selvakumar Government Advocate

O R D E R

The petitioner seeks a Writ of Mandamus directing the respondents to regularise his services for the period from 26.07.1978 to 18.08.1983 and pay him the monetary benefits.

2. The petitioner was initially appointed as Mazdor. The post was later re-designated as Field Worker. The fifth respondent by proceedings dated 22.02.1986, has regularised the service of



Mazdoors including the petitioner. The petitioner's service was regularised with effect from 19.08.1983, pursuant to the orders in G.O.Ms.No.605 (P & AR) Department, dated 20.06.1984.

3. It is the case of the petitioner that the Government have given retrospective regularisation of service in the case of other Mazdoors. However, the petitioner was not given the benefits of service for the period from 26.07.1978 to 18.08.1983. The petitioner submitted series of representations requesting the respondents to regularise his earlier service. Since there was no follow up action, the petitioner has come up with this Writ Petition.

4. The fifth respondent in the counter affidavit admitted that the Government have regularised the services of Mazdoors with effect from the date of initial appointment as per order in G.O.Ms.No.272, Health and Family Welfare Department, dated 12.09.1992. According to the fifth respondent, the case of the petitioner has already been forwarded to the Government through the Director of Public Health and Preventive Medicine, Chennai, for regularising his earlier service.

5. Heard the learned counsel for the petitioner and the learned Government Advocate on behalf of the respondents.

6. There is no dispute that the service of the petitioner was regularised with effect from 19.08.1983. However, he was not given the benefits of his earlier service from 26.07.1978 to 18.08.1983. The fifth respondent has now made it clear that similarly situated Mazdoors were all given the benefits by regularising their service from the date of initial appointment. According to the fifth respondent, the case of the petitioner has been referred to the Government.

7. The first respondent is now seized of the matter. In case, the past service of Mazdoors were taken note of while regularising their service petitioner should also be given the benefits.

8. The first respondent is directed to consider the case of the petitioner for regularisation of his service from 26.07.1978 to 18.08.1983, and pass orders, as expeditiously as possible, and in any case, within a period of three months from the date of receipt of a copy of this order.

9. The Writ Petition is allowed to the extent indicated above. No costs.

Sd/-
Assistant Registrar

/True copy/



To:

- 1.The Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai-600 009.
- 2.The Director of Public Health and Preventive Medicine,
Mount Road, Chennai - 600 006.
- 3.The Pay and Accounts Officer, (South), Chennai - 600 035.
- 4.The Assistant Director, Health & Welfare Department, Ramnad.
- 5.The District Health Officer, Health Unit District,
Sankaran Koil.
- 6.The District Health Officer,
District Health Services, Tirunelveli.

+1cc to Mr.A.S.MUJIBUR RAHMAN,ADVOCATE IN SR.NO. 37670

+1cc to M/S.THE SPECIAL GOVERNMENT PLEADER, SR NO: 38417

JA-DB/02.08.2016/3P:9C

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