

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.4483 of 2017

M. Pathma

...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, chennai-6
- 3.The Director of Public Health & Preventive Medicine,
D.M.S Complex, Chennai-6
- 4.The Deputy Director of Health Service,
Dharmapuri-5.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, or any other appropriate Writ order or direction in the nature of Writ to direct the respondents to pay the monetary benefit of the petitioner in the post of Sweeper in the regular time scale of pay with effect from her initial date of appointment on 19.08.2006 with all service and monetary benefits based on G.O. Ms.No. 680 Finance (Pay Cell) department dated 28.06.2013.

For Petitione :: Mr.R. Srinivas

For Respondents :: Mr.P. Chinnadurai
Government Advocate

ORDER

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

2. The petitioner was initially appointed as a Sweeper in Government Primary Health Centre on 19.08.2006 through District Employment Exchange, Dharmapuri and claims that

she is continuously working in the said capacity on consolidated pay. The petitioner further submits that the post of Sweeper is a permanent and sanctioned post and she has completed more than 11 years of service without any break and she has also passed 8th standard and therefore, she is entitled for regularisation.

3. Mr.R. Srinivas, learned counsel for the petitioner has submitted that in the light of G.O.Ms. No. 22 Finance (BPE) Department dated 23.01.2009 coupled with G.O.Ms. No. 385 Finance (Pay Cell) Department dated 01.10.2010 and G.O.No. 680 Finance (Pay Cell) Department dated 28.06.2013 and also in view of G.O. (Ms.).No. 123 School Education (R) Department dated 17.03.2011, the petitioner is entitled for regularisation and in this regard, he would submit that very many persons, similarly placed, had approached this Court and this Court had passed orders dated 09.10.2013 and 25.08.2014 in W.P. No. 28052 of 2013 & W.P. No. 22911 to 22919 of 2014 respectively and the said orders have also been complied with. In the light of the same, the learned counsel would submit that there cannot be any impediment on the part of the respondents to regularise the service of the petitioner and confer all consequential and other attendant benefits on the petitioner and therefore, prays for appropriate orders.

4. Per contra, Mr. P. Chinnadurai, learned Government Advocate, would submit that the petitioner, as a matter of right, cannot ask for regularisation and it is the discretion left to the respondents to do so.

5. This Court heard the rival submissions and perused the materials placed before it.

6. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the respondents to consider the petitioner's representation dated 03.11.2016, on merits and in accordance with law, taking into consideration, the above cited Government Orders as well as orders passed by this Court and pass orders, within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

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, chennai-6

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

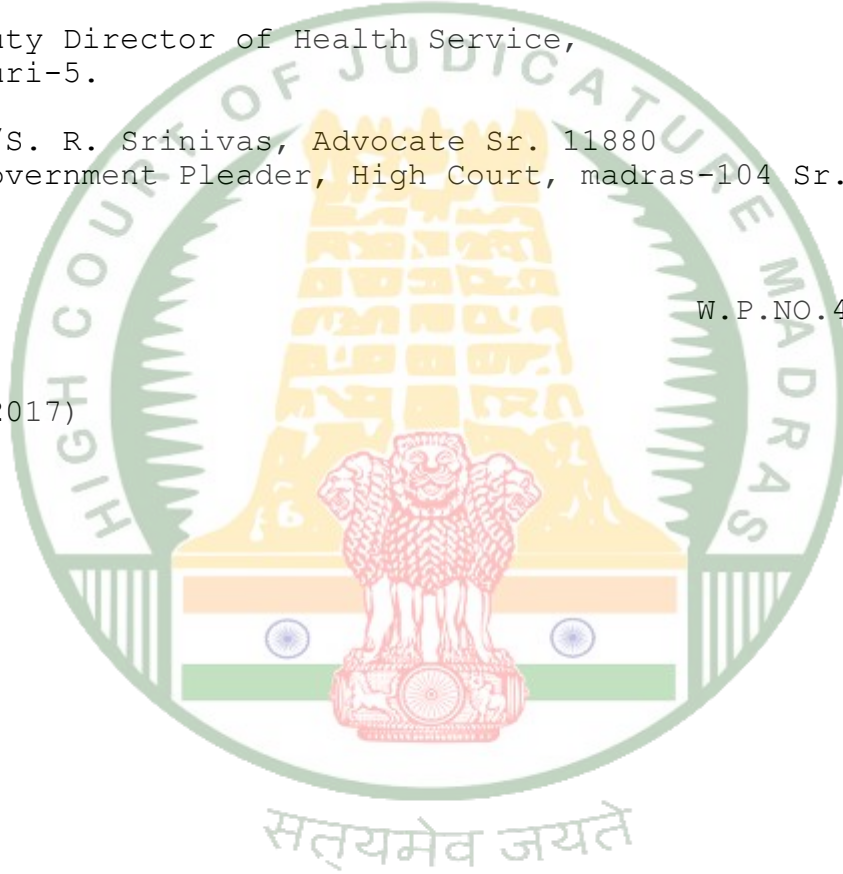
4.The Deputy Director of Health Service,
Dharmapuri-5.

+1cc to M/S. R. Srinivas, Advocate Sr. 11880

+1cc to Government Pleader, High Court, madras-104 Sr.12133

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RSK (CO)
VR(16/03/2017)



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