

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.4947 of 2017

A.Manikannan

... Petitioner

vs.

1.The Secretary to Government,
Health and Family Welfare Department,
Fort St.George, Chennai-09.

2.The Director,
Health and Family Welfare Department,
Chennai.

3.The Joint Director,
District Health and Rural Family Welfare Department,
Cuddalore. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to consider and dispose of the petitioner representation dated 23.11.2015 for regularization of the petitioner service as Male Nursing Assistant (Hospital Worker) within a reasonable time.

For Petitioner :Mr.S.Sivakumar

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

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner claims that he was appointed as Male Nursing Assistant (Hospital Workers) on contractual basis in the Government Headquarters Hospital, Cuddalore, vide proceedings of the third respondent dated 02.06.2009 and rendered, hard, sincere and unblemished service without any break and as such, he is entitled for regularization. The petitioner, in this regard, has also submitted a representation dated 23.11.2015 to

the respondents through proper channel and since no response is forthcoming, came forward with this writ petition.

3. The learned counsel appearing for the petitioner would submit that in the light of G.O.Ms.No.340 of the first respondent dated 02.12.2010, the petitioner is entitled for regularization and prays for appropriate orders.

4. Per contra, Mr.R.A.S.Senthilvel, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 to 3 would submit that G.O.Ms.No.340 of the first respondent dated 02.12.2010 would indicate that there is no specific order as to regularization as Hospital Worker, but confers the Time Scale of Pay after completing 2 years of service.

5. This Court has considered the rival submissions and also perused the materials placed before it.

6. Though the petitioner prays for 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 first respondent to consider and dispose of the petitioner's representations dated 23.11.2015 received through proper channel and pass orders on merits and in accordance with law within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7. This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

jvm

To

- 1.The Secretary to Government,
Health and Family Welfare Department,
Fort St.George, Chennai-09.
- 2.The Director,
Health and Family Welfare Department,
Chennai.
- 3.The Joint Director,
District Health and Rural Family Welfare Department,
Cuddalore.

+1cc to the Government Pleader Sr.13581
+1cc to Mr.S.Sivakumar, Advocate Sr.13094

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srg 10/3/2017



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