

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18602 of 2017

K.Madhavan

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. By its Principal Secretary to Government,
Social welfare and Nutrients Food Department,
Fort St. George, Chennai 600 009.
2. The Director
Public Health and Preventive Medicine,
DMS Compound, No.359, Anna Salai,
Chennai - 600 006.
3. The Deputy Director of Health Services,
Nagapattinam District,
Nagapattinam - 611 001.

.... Respondents

Prayer: The writ petitioner filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the second respondent to dispose of the representation dated 24.10.2016 of the petitioner and consequently direct the respondents to pay the time scale of pay from 25.08.2015 to the petitioner in pursuance of G.O.M.s.No.151, dated 16.10.2008.

For Petitioner : Mr.R.Venkata Varathan

For Respondents : Mr.S.Gunasekaran
Additional Government Pleader

ORDER

The writ petitioner was working as a hospital worker on a consolidated pay with effect from 16.04.2013. The grievances of the writ petitioner is that the Government issued G.O.Ms.No.151 dated 16.10.2008 stating that physically challenged persons who have served more than two years are eligible to provide with the time scale of pay instead of consolidated pay. The learned counsel appearing on behalf of the writ petitioner submitted that the writ petitioner is entitled for regularization.

2. This Court is unable to accept the proposition that the writ petitioner is eligible for regularization. However, the writ petitioner may be eligible to get time scale of pay with law as per the terms and conditions of G.O.Ms.No.151 dated 16.10.2008. Regularization can be accorded only if the candidate was appointed by following the Recruitment Rules and not otherwise. Thus, to the extent of granting of time scale of pay the Government Order, shall be applied in respect of the claim set out in this writ petition.

3. However, without going into the merits of the case, the second respondent is directed to consider the representations submitted by the writ petitioner on 24.10.2016 and pass order on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order. The writ petitioner is directed to enclose a copy of the representation along with the order passed in this writ petition.

4. The writ petition stands disposed of. However, no order as to costs.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

smn

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
Social welfare and Nutrients Food Department,
Fort St. George, Chennai 600 009.
2. The Director
Public Health and Preventive Medicine,
DMS Compound, No.359, Anna Salai,
Chennai - 600 006.
3. The Deputy Director of Health Services,
Nagapattinam District,
Nagapattinam - 611 001.

+lcc to Mr.R.Venkata Varathan, Advocate, S.R.No.51561

+lcc to the Government Pleader, S.R.No.52012

W.P.No.18602 of 2017

BR(CO)

CA(07/08/2017)