



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2018

CORAM :

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P(MD)No.14210 to 14219 of 2018

RESEY.D. ... Petitioner in WP(MD). 14210/ 2018

P.PALANIAMMAL ... Petitioner in WP(MD). 14211/ 2018

S.SHANTHI ... Petitioner in WP(MD). 14212/ 2018

S.VEMBU ... Petitioner in WP(MD). 14213/ 2018

VIJAYAKUMAR ... Petitioner in WP(MD). 14214/ 2018

S.VENKATASAMY ... Petitioner in WP(MD). 14215/ 2018

VETRIVEL. P. ... Petitioner in WP(MD). 14216/ 2018

K.JAGUBARDEEN ... Petitioner in WP(MD). 14217/ 2018

A.UTHANDAN ... Petitioner in WP(MD). 14218/ 2018

A.RAVI SINGH, ... Petitioner in WP(MD). 14219/ 2018

- Vs. -

1.THE STATE OF TAMIL NADU REF. BY ITS SECRETARY TO GOVT.,

HEALTH AND FAMILY WELFARE DEPARTMENT,

FORT.ST.GEORGE, CHENNAI 600 009

2.THE DIRECTOR INDIAN MEDICINE & HOMEOPATHY DEPARTMENT,

CHENNAI 600 1061st and 2nd Respondents in All Cases

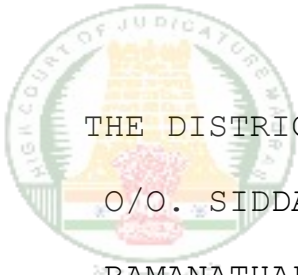
THE DISTRICT SIDDHA MEDICAL OFFICER,

O/O. SIDDHA MEDICAL OFFICE,

GOVERNMENT OF SIDDHA HOSPITAL, NAGERCOIL,

KANYAKUMARI DISTRICT

...3rd Respondent in WP(MD)Nos.14210,14212,
14213,14214,14216 and 14219/ 2018



THE DISTRICT SIDDHA MEDICAL OFFICER,
O/O. SIDDHA MEDICAL OFFICE, GOVERNMENT OF SIDDHA HOSPITAL,
RAMANATHAPURAM DISTRICT.

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...3rd Respondent in WP(MD)Nos.14215 and 14218/2018

THE DISTRICT SIDDHA MEDICAL OFFICER,
O/O. SIDDHA MEDICAL OFFICE,
GOVERNMENT OF SIDDHA HOSPITAL, TUTICORIN DISTRICT.

...3rd Respondent in WP(MD)Nos.14211 and 14217/2018

and 14218/2018

THE GOVERNMENT PRIMARY HEALTH CENTRE,
PECHIPAARAI, THUCKALAY, KANYAKUMARI DISTRICT.

... 4th Respondent in WP(MD)No. 14210/ 2018

THE GOVERNMENT PRIMARY HEALTH CENTRE,
PASUVANHARAI, OTTAPIDARAM, TUTICORIN DISTRICT.

... 4th Respondent in WP(MD)No . 14211/ 2018

THE GOVERNMENT PRIMARY HEALTH CENTRE,
NATTALLAM, THUCKALAY, KANYAKUMARI DISTRICT.

...4th Respondent in WP(MD)No . 14212/ 2018

THE GOVERNMENT PRIMARY HEALTH CENTRE,
THOVALAI, KANYAKUMARI DISTRICT.

...4th Respondent in WP(MD)No . 14213/ 2018

THE GOVERNMENT PRIMARY HEALTH CENTRE,
KOLLANGKADU, KANYAKUMARI DISTRICT.

...4th Respondent in WP(MD)Nos. 14214/ 2018

and 14216/2018

THE GOVERNMENT PRIMARY HEALTH CENTRE,
KILATHUVAL, MUDHUKULATHUR, RAMANATHAPURAM DISTRICT.

...4th Respondent in WP(MD)No . 14215/ 2018



THE GOVERNMENT PRIMARY HEALTH CENTRE,
SIVAKALAI, SRIVAİKUNDAM, TUTICORIN DISTRICT

...4th Respondent in WP(MD)No . 14217/ 2018

THE COMMUNITY HEALTH CENTRE,

KALUGUMALAI, KOVILPATTI,

TUTICORIN DISTRICT. ..4th Respondent in WP(MD)No . 14218/ 2018

THE GOVERNMENT PRIMARY HEALTH CENTRE,

SURULODU, THUCKALAY, KANYAKUMARI DISTRICT.

...4th Respondent in WP(MD)No . 14219/ 2018

Prayer in WP(MD). 14210/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 3rd respondent to consider the representation given by the petitioner dated 26.06.2018 for regularization of his service from 29.12.2009 in the post of multipurpose worker from the date of his appointment.

Prayer in WP(MD). 14211/ 2018 :

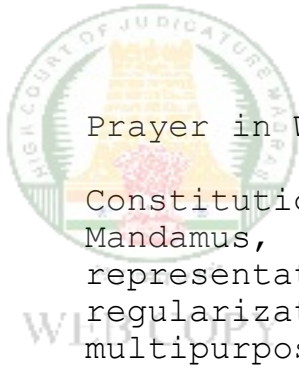
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to consider the representation given by the petitioner date 26.06.2018 for regularization of his service from 22.03.2010 in the post of multipurpose worker from the date of her appointment.

Prayer in WP(MD). 14212/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to consider the representation given by the petitioner date 26.06.2018 for regularization of his service from 9.01.2010 in the post of multipurpose worker from the date of her appointment.

Prayer in WP(MD). 14213/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 3rd respondent to consider the representation given by the petitioner dated 26.06.2018 for regularization of his service from 18.02.2011 in the post of multipurpose worker from the date of appointment.



Prayer in WP(MD). 14214/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to consider the representation given by the petitioner date 26.06.2018 for regularization of his service from 09.03.2010 in the post of multipurpose worker from the date of appointment.

Prayer in WP(MD). 14215/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to consider the representation given by the petitioner date 26.06.2018 for regularization of his service from 02.02.2011 in the post of multipurpose worker from the date of appointment.

Prayer in WP(MD). 14216/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 3rd respondent to consider the representation given by the petitioner dated 26.06.2018 for regularization of his service in the post of multipurpose worker from the date of appointment from 9.3.2010.

Prayer in WP(MD). 14217/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to consider the representation given by the petitioner date 26.06.2018 for regularization of his service from 29.01.2010 in the post of multipurpose worker from the date of appointment.

Prayer in WP(MD). 14218/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to consider the representation given by the petitioner dated 26.06.2018 for regularization of his service from 09.03.2010 in the post of multipurpose worker from the date of his appointment.

Prayer in WP(MD). 14219/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 3rd respondent to consider the representation given by the petitioner dated 26.06.2018 for regularization of his service from 25.01.2012 in the post of multipurpose worker from the date of appointment.

COMMON ORDER

The prayer sought for in these writ petitions is for a Writ of Mandamus, directing the respective third respondent to consider the representation given by the petitioners dated 26.06.2018 for regularization of their service in the post of Multi Purpose Workers from the date of their appointment.

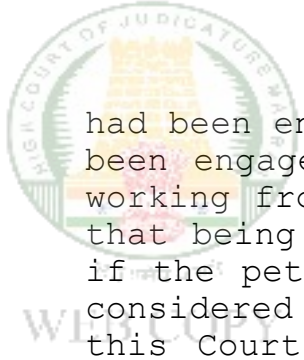
2. Heard Mr.K.Samidurai, learned counsel appearing for the petitioners and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents.

3. In all these writ petitions, the petitioners were appointed as Multi Purpose Workers at the respondent department, especially, under the respective third respondent at various Primary Health Centres in various Districts in the year 2009, 2010, 2011 and 2012. Initially, the petitioners were directed to work for three days per week and thereafter, they have been directed to work for six days per week. Therefore, except Sunday, all other six days, they have been working with the respondents as Multi Purpose Workers for all these years. However, their services has not been regularised. Therefore, in this regard, each of the petitioners have given representations dated 26.06.2018 separately to the respondents, especially, to the respective third respondent. Therefore, the learned counsel appearing for the petitioners would submit that, if the said representations of the petitioners filed individually, are directed to be considered and an order to that effect are directed to be passed, within a time frame, that may be stipulated by this Court, the petitioners would be satisfied.

4. I have heard the learned Special Government Pleader appearing for the respondents, who would submit that, claiming of absorption is not a matter of right and even at the time of making appointment, it has been specifically mentioned even in the appointment order that their appointments are purely temporary and at any point of time, their services will be dispensed with. Therefore, merely because the petitioners had been continuously engaged on temporary basis, no right can be accrued on them to seek permanent absorption in the post of Multi Purpose Workers. However, at any rate, since the petitioners have made representations to the respondents, especially, the respective third respondents who would consider those representations filed by the petitioners individually, on merits and in accordance with law and orders to that effect would be passed, disposing the said representations by the respective third respondent, within a time frame that may be fixed by this Court.

5. I have considered the said submissions made by both sides and have perused the materials available before this Court.

6. It is not in dispute that the petitioners were appointed as Multi Purpose Workers from the year 2009 to 2012. Initially, they



had been engaged for three days per week and subsequently, they have been engaged for six days per week and continuously, they had been working from the date of their appointment without any break. When that being the position, since the petitioners seek for absorption, if the petitioners are otherwise eligible with qualification to be considered for the post of Multi Purpose Workers on permanent basis, this Court feels that there can be no further impediment for the respondents to consider the said request made by the petitioners individually.

7. In that view of the matter, this Court is inclined to pass the following order:

"The respondents, especially, the respective third respondent shall consider the representations individually submitted by the petitioners on 26.06.2018 on merits and in accordance with law, and take a decision by considering the same objectively and pass reasoned orders thereon, with regard to the claim of the petitioners for absorption in the said post of Multi Purpose Workers on permanent basis. Such orders shall be passed, within a period eight weeks from the date of receipt of a copy of this order."

8. With the above direction, these writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. THE SECRETARY TO GOVERNMENT OF TAMIL NADU,
HEALTH AND FAMILY WELFARE DEPARTMENT, FORT. ST. GEORGE, CHENNAI - 9

2. THE DIRECTOR INDIAN MEDICINE & HOMEOPATHY DEPARTMENT,
CHENNAI 600 106

3. THE DISTRICT SIDDHA MEDICAL OFFICER, O/O. SIDDHA MEDICAL OFFICE,
<https://hcservices.ecourts.gov.in/hcservices/>

GOVERNMENT OF SIDDHA HOSPITAL, NAGERCOIL, KANYAKUMARI DISTRICT



4.THE DISTRICT SIDDHA MEDICAL OFFICER,
O/O. SIDDHA MEDICAL OFFICE, GOVERNMENT OF SIDDHA HOSPITAL,
RAMANATHAPURAM DISTRICT.

5.THE DISTRICT SIDDHA MEDICAL OFFICER,
O/O. SIDDHA MEDICAL OFFICE,
GOVERNMENT OF SIDDHA HOSPITAL, TUTICORIN DISTRICT.

6.THE GOVERNMENT PRIMARY HEALTH CENTRE,
PECHIPAARAI, THUCKALAY, KANYAKUMARI DISTRICT.

7.THE GOVERNMENT PRIMARY HEALTH CENTRE,
PASUVANHARAI, OTTAPIDARAM, TUTICORIN DISTRICT.

8.THE GOVERNMENT PRIMARY HEALTH CENTRE,
NATTALLAM, THUCKALAY, KANYAKUMARI DISTRICT.

9.THE GOVERNMENT PRIMARY HEALTH CENTRE,
THOVALAI, KANYAKUMARI DISTRICT.

10.THE GOVERNMENT PRIMARY HEALTH CENTRE,
KOLLANGKADU, KANYAKUMARI DISTRICT.

11.THE GOVERNMENT PRIMARY HEALTH CENTRE,
KILATHUVAL, MUDHUKULATHUR, RAMANATHAPURAM DISTRICT.

12.THE GOVERNMENT PRIMARY HEALTH CENTRE,
SIVAKALAI, SRIVAİKUNDAM, TUTICORIN

13.THE COMMUNITY HEALTH CENTRE, KALUGUMALAI, KOVILPATTI,
TUTICORIN DISTRICT.



14.THE GOVERNMENT PRIMARY HEALTH CENTRE, SURULODU,
THUCKALAY, KANYAKUMARI DISTRICT.

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- 10 CCs TO Mr.K.SAMIDURAI , ADVOCATE IN SR Nos.71160,71159,71157,
71158,71109,71103, 71156,71152,71121,71161
+1 cc to Special Government Pleader, SR.Nos.71266,71265,71264,71263,
71261,71260,71259,71258,71257,71256

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