



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.18049 of 2016
and
W.M.P (MD) No.18269 of 2017

1.P.Rajagopal
2.P.Saravanan

... Petitioners

Vs.

- 1.The State of Tamilnadu,
Represented by the Secretary,
Department of Health and Family Welfare,
Fort St.George, Chennai.
- 2.The Director,
Public Health and Preventive Medicine,
Dms, Complex,
Chennai.
- 3.The Deputy Director,
Public Health and Preventive Medicine,
Theni.
- 4.The Block Medical Officer,
Govt-primary health center,
Odaipatti,
Uthamapalayam Taluk,
Theni.
- 5.The Medical Officer,
Govt-Primary Health Center,
Erasainayakanur Post,
Uthamapalayam Taluk,
Theni.
- 6.The pay accounts officer,
Accounts office (south),
Chennai.
- 7.The Treasury Officer,
Sub Treasury Office,
Bye pass road,
Uthamapalayam,
Theni.



8.The District Hosur Treasury Officer,
Hosur Treasury Officer,
1st Floor, Collector Office,
Theni.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to regularize the petitioner service for the post of male nursing assistant from the date of petitioner's appointment on 25.09.2006 as a sanitary worker with all monetary and service benefits within the time stipulated by this Court.

For Petitioners	: M/s.Ajmal Associates for C.Venkateshkumar
For Respondents	: Mr.J.Gunaseelan Muthaiah Additional Government Pleader

ORDER

The petitioners registered themselves with the District Employment Exchange, and on 26.08.2006 the third respondent appointed them as Sanitary Workers in the fourth respondent Government Primary Health Centre. Thereafter, the petitioners were appointed as Male Nursing Assistant on consolidated pay. The case of the writ petitioners is that as per the G.O.Ms.No.103, dated 21.05.2003 Male Nursing Assistant are to be treated as hospital workers.

2.The learned counsel for the petitioners placing reliance on G.O.Ms.No.340, Health and Family Welfare Department, dated 02.12.2010 submitted that the persons appointed through employment exchange who have completed two years and paid daily wages shall be appointed as a hospital workers in the regular time scale of pay. It is obvious that the petitioners were appointed only through employment exchange. They had completed more than two years of service and they are paid on consolidated basis. Thus, all the conditions set out in G.O.Ms.No.340, Health and Family Department, dated 02.12.2010 are applicable to the petitioners.

3.Therefore, the second respondent is directed to pass appropriate orders in favour of the writ petitioners in terms of the said G.O.Ms.No.340, Health and Family Welfare Department, dated 02.12.2010. The said order shall be passed within a period of eight weeks from the date of receipt of a copy of this order. This Writ Petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(AS)

/True Copy/

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Sub Assistant Registrar



To:

1.The Secretary,
State of Tamilnadu,
Department of Health and Family Welfare,
Fort St.George, Chennai.

2.The Director,
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8.The District Hosur Treasury Officer,
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+1cc to Special Government Pleader, SR.No. 45972

+1cc to M/S.Ajmal Associates, Advocate SR.No. 45502

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RMI