

IN THE HIGH COURT OF JUDICATURE AT MADRAS

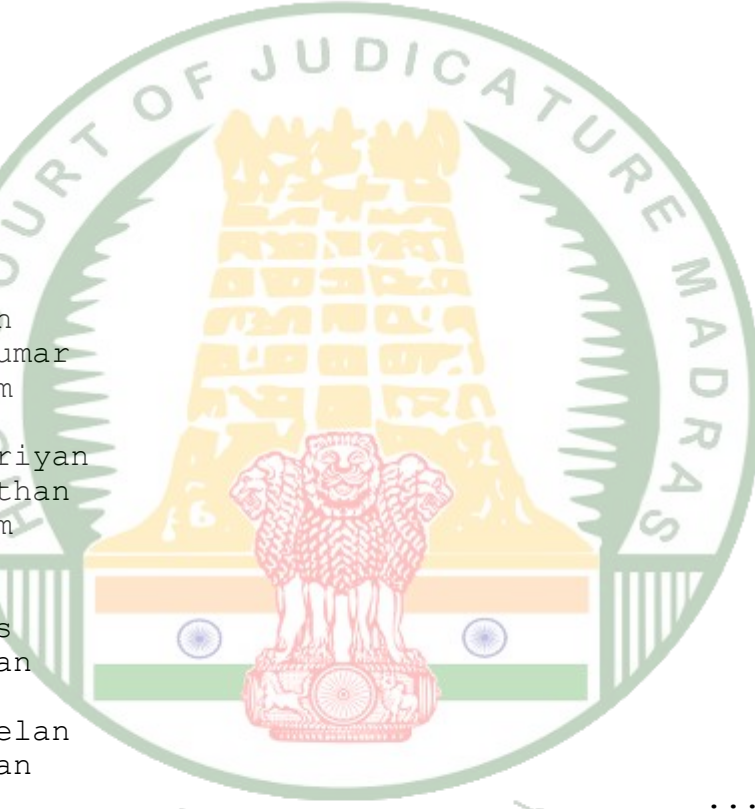
Date:13.08.2019

CORAM

THE HON'BLE MR. JUSTICE V.PARTHIBAN

W.P.No.15989 of 2019
and
W.M.P.No.15756 of 2019

1.K.Ambedkar
2.P.Ayyavoo
3.C.Sivakumar
4.P.Thangavel
5.K.Ravi
6.R.Muthusamy
7.T.Rajan
8.S.Srinivasan
9.A.Nagarajan
10.N.Venkatesan
11.A.R.Anandakumar
12.C.Sivalingam
13.N.Sivakumar
14.S.Shanmugapriyan
15.K.Thulasinathan
16.S.Velayutham
17.G.Murali
18.B.Elumalai
19.R.Krishnadas
20.V.Rajasekaran
21.S.Mohan
22.K.Punniyaseelan
23.A.Karthikeyan
24.M.Vijayan



...Petitioners

सत्यमेव जयते
Vs.

1.The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Director of Public Health and
Preventive Medicines,
No.359, Anna Salai,
DMS Compound,
Chennai - 600 006.

...Respondents

Prayer: Petition filed under Article 226 of Constitution of India, for issuance of Writ of Mandamus directing the respondents 1 and 2 to order regularisations of the service of the petitioners on the basis of the proposal submitted by the 2nd respondent to the 1st respondent for absorption of the petitioners.

For Petitioners : Mr.M.Gnanasekar

For Respondents : Mr.J.Pothiraj
Special Government Pleader

ORDER

The petitioners are working as Drivers in Mobile Medical Unites now re-designated as Hospital on Wheels in various Districts throughout the State of Tamil Nadu. All these petitioners were appointed on consolidated wages. They were originally paid Rs.3,500/- per month, which was periodically revised and as on date, they are getting a consolidated pay of Rs.9,000/-. According to the petitioners, except that they were paid on consolidated basis, their appointments were regular in all respects, since they were appointed through the recruitment process. All the petitioners herein claiming themselves to be sponsored through Employment Exchange. Therefore, it is submitted that the petitioners were selected through a regular selection.

2.After notice, Mr.J.Pothiraj, learned Special Government Pleader has entered appearance on behalf of the respondents and a counter affidavit has been filed. In the counter affidavit, it is stated in para 6 as under:

"6.It is also submitted that as per the orders issued in G.O.(Ms).No.91, Personnel and Administrative Reforms (S) Department, Dated: 14.08.2015.The second respondent in his letter R.No.39974/VM/A3/ 2015, dated: 03.01.2016, 25.05.2017 and 11.11.2017 has submitted proposals to the first respondents for absorption of Mobile Medical Unit drivers on consolidated pay in to regular time scale of pay within the sanction strength and for relaxation of age rule in favour of the petitioners."

3.The learned Special Government Pleader would submit that the proposal has been submitted to the 1st respondent for regularising these petitioners within the sanctioned strength by relaxing the age rule in favour of the petitioners.

4.Considering the proposal submitted to the 1st respondent towards regularisation of these petitioners, in the fitness of

things, this Court disposes of the present writ petition, with a direction to the 1st respondent as under:

(i) The 1st respondent shall consider the proposal and pass appropriate orders granting the benefit of regularisation to the petitioners, by giving suitable relaxation if necessary, with all attendant and consequential benefits of such regularisation.

(ii) The 1st respondent in this regard is directed to pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

5. The Writ Petition is disposed of, as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

Sgl
To

1. The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2. The Director of Public Health and
Preventive Medicines,
No.359, Anna Salai,
DMS Compound,
Chennai - 600 006.

+1 CC to Mr.M.Gnanasekar, Advocate sr 69014.
+1 CC to Govt. Pleader sr 69400

W.P.No.15989 of 2019

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RSI(CO)
SP(16/09/2019)