

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos. 26256 & 26258 & 26260 & 26264
& 26266 & 26277 & 26282 & 26287 & 26292 & 26298 of 2019
and

W.M.P.Nos. 25638 & 25641 & 25643 & 25645 & 25647 & 25648 & 25649
& 25652 & 25653 & 25654 of 2019

1 P.CHANDRA ... PETITIONER in WP No.26256 of 2019
1 R. SARASWATHI ... PETITIONER in WP No.26258 of 2019
1 K. BHUVANESWARI ... PETITIONER in WP No.26260 of 2019
1 M. EZIL ARASI ... PETITIONER in WP No.26264 of 2019
1 M. MAHALAKSHMI ... PETITIONER in WP No.26266 of 2019
1 R. BABY ... PETITIONER in WP No.26277 of 2019
1 K. SOUNDARAM ... PETITIONER in WP No.26282 of 2019
1 C. RAJAMMAL ... PETITIONER in WP No.26287 of 2019
1 V. RAJAVELU ... PETITIONER in WP No.26292 of 2019
1 M. PRABHAKARAN ... PETITIONER in WP No.26298 of 2019

Vs.

1.THE GOVERNMENT OF TAMILNADU
REP. BY ITS PRINCIPAL SECRETARY TO
GOVERNMENT HEALTH AND FAMILY WELFARE
DEPARTMENT CHENNAI 600 009.

2.THE DIRECTOR OF PUBLIC HEALTH
AND PREVENTIVE MEICINE CHENNAI 600 006.

..RR1 & 2 in W.P.No.26256/2019,
26258, 26260/2019, 26264/2019,
26266/2019, 26277/2019,
26282/2019, 26287/2019,
26292/2019, 26298/2019

3.THE DEPUTY DIRECTOR OF HEALTH
SERVICES ERODE

..R3 in W.P.No.26256/2019
..R3 in W.P.No.26287/2019

3.THE DEPUTY DIRECTOR OF HEALTH
SERVICE NAMAKKAL

..R3 in W.P.No.26256/2019,
26260/2019, 26266/2019,
26277/2019, 26282/2019.

3 THE DEPUTY DIRECTOR OF HEALTH
SERVICE SALEM

..R3 in W.P.No.26264/2019

3 THE DEPUTY DIRECTOR OF HEALTH
SERVICE CUDDALORE

..R3 in W.P.No.26292/2019

3 THE DEPUTY DIRECTOR OF HEALTH
SERVICE NILLGIRIS DISTRICT

..R3 in W.P.No.26298/2019

These Writ Petitions are filed under Article 226 of the Constitution of India praying to issue a Writ order or direction in the nature of Writ of Mandamus,

WP No.26256 of 2019
Directing the Respondents issue appropriate orders of regularization of service of the Petitioner in the post of Hospital Worker, with effect from the date of her initial appointment 31.12.2009 as such and to place her on regular time scale of pay from then onwards and grant correspondent revision of pay and grant all consequential benefits within a limited time frame

WP No.26258 of 2019
Directing the Respondents issue appropriate orders of regularization of service of the Petitioner in the post of Hospital Worker, with effect from the date of her initial appointment 28.10.2007 as such and to place her on regular time scale of pay from then onwards and grant correspondent revision of pay and grant all consequential benefits within a limited time frame

WP No.26260 of 2019

Directing the Respondents issue appropriate orders of regularization of service of the Petitioner in the post of Hospital Worker, with effect from the date of her initial appointment 05.08.2019 as such and to place her on regular time scale of pay from then onwards and grant correspondent revision of pay and grant all consequential benefits within a limited time frame

WP No.26264 of 2019

Directing the Respondents issue appropriate orders of regularization of service of the Petitioner in the post of Hospital Worker, with effect from the date of her initial appointment 11.12.2008 as such and to place her on regular time scale of pay from then onwards and grant correspondent revision of pay and grant all consequential benefits within a limited time frame

WP No.26266 of 2019

Directing the Respondents issue appropriate orders of regularization of service of the Petitioner in the post of Hospital Worker, with effect from the date of her initial appointment 31.12.2009 as such and to place her on regular time scale of pay from then onwards and grant correspondent revision of pay and grant all consequential benefits within a limited time frame

WP No.26277 of 2019

Directing the Respondents issue appropriate orders of regularization of service of the Petitioner in the post of Hospital Worker, with effect from the date of her initial appointment 31.12.2009 as such and to place her on regular time scale of pay from then onwards and grant correspondent revision of pay and grant all consequential benefits within a limited time frame

WP No.26282 of 2019

Directing the Respondents issue appropriate orders of regularization of service of the Petitioner in the post of Hospital Worker, with effect from the date of her initial appointment 31.07.2009 as such and to place her on regular time scale of pay from then onwards and grant correspondent revision of pay and grant all consequential benefits within a limited time frame

WP No.26287 of 2019

Directing the Respondents issue appropriate orders of regularization of service of the Petitioner in the post of Hospital Worker, with effect from the date of her initial

appointment 28.12.2009 as such and to place her on regular time scale of pay from then onwards and grant correspondent revision of pay and grant all consequential benefits within a limited time frame

WP No.26292 of 2019

Directing the Respondents issue appropriate orders of regularization of service of the Petitioner in the post of Hospital Worker, with effect from the date of her initial appointment 01.03.2011 as such and to place her on regular time scale of pay from then onwards and grant correspondent revision of pay and grant all consequential benefits within a limited time frame

WP No.26298 of 2019

Directing the Respondents issue appropriate orders of regularization of service of the Petitioner in the post of Hospital Worker, with effect from the date of his initial appointment 11.04.2012 as such and to place her on regular time scale of pay from then onwards and grant correspondent revision of pay and grant all consequential benefits within a limited time frame.

For Petitioners: M/s.Priyadevi
(in all Writ Petitions)

For Respondents: M/s.M.Lalitha,
Government Advocate.
(in all Writ Petitions)

C O M M O N O R D E R

Since the prayers in the above Writ Petitions are one and the same, they are clubbed together and a common order is passed.

W.P.No. 26256 of 2019

The case of the petitioner is that the petitioner's initial appointment was made after following the prescribed procedure, viz., sponsorship by employment exchange, interview etc. and not by any backdoor method. Hence, there cannot be any impediment for regularization of their service and the petitioner has to be placed on regular time scale of pay, that too with effect from the date of their regular appointment. There are regular sanctioned posts of Hospital Workers in the basic service in several Government Primary Health Centers in every block in this District and the nature of duties of those Hospital Workers and that of the Petitioner herein are one and the same, but the petitioner had been kept as Hospital Workers from the year 2009 onwards till this date on consolidated monthly pay basis without any security of tenure of service.

2. In response to the representation through the service Association, the Director of Public Health and Preventive Medicine, Chennai-6, in Letter C.No. 85497/PHC.7/A3/2014 dated 21.03.2015 had informed that in response to the instructions of Government in Letter No.29123/F2/2014-1, Health and Family Welfare Department, dated 04.04.2014, service particulars of Sanitary Workers Attenders-cum-cleaners who were appointed on contract basis and who have rendered five years of service have been called for from all Deputy Directors of Health Services. No order has been received in this regard.

3. It is further submitted that Five Drivers (Tvl.A.Murugesan and others) were appointed on consolidated monthly pay basis like the petitioner to the Mobile Medical Unit, Namakkal Health District during 2009 through Employment Exchange and since they were not absorbed as Drivers in the regular establishment in regular time Scale of Pay they filed W.P.Nos. 29993 to 29997/2017, on the file of this Court and by order dated 22.11.2017, this Court issued directions to the authorities to consider regularization of the Petitioner therein and the Director of Public Health and Preventive Medicine, Chennai 6, in and by Pro.R.No. 107505/VM/A2/2017-2 dated 05.04.2019 has implemented the directions in the case of Thiru.A.Murugesan, Driver and others. In order to avail the benefits, the petitioner sent a representation, but till date the representation was not considered. Hence the present writ petition is filed.

4. The learned counsel for the petitioners would submit that it would be suffice if this Court issues direction to the 1st & 2nd respondent to consider the petitioners' representation dated 03.07.2019 within a time frame.

5. Without expressing any opinion on merits, I am inclined to issue a direction to the 1st & 2nd respondent to dispose of the Writ Petitioners' representation dated 03.07.2019, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above directions, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Government of Tamil Nadu,
rep. by its Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Chennai 600 009.

2. The Director of Public Health,
and Preventive Medicine,
Chennai 600 006.

3. The Deputy Director of Health Services,
Erode.

4. The Deputy Director of Health Services,
Namakkal.

5. The Deputy Director of Health Services,
Nilgris District.

6. The Deputy Director of Health Services,
Cuddalore.

7. The Deputy Director of Health Services,
Salem.

+1 CC to Govt. Pleader sr 76855.

W.P.Nos. 26256 & 26258 & 26260 & 26264
& 26266 & 26277 & 26282 & 26287 & 26292 & 26298 of 2019

NR(CO)
SP(05/02/2020)

सत्यमेव जयते

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