



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.21916 of 2017

P.Kodiyarasi

... Petitioner

Vs.

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

2.The Director of Medical Education,
Kilpauk,
Chennai - 600 010.

3.The Dean,
Government Rajaji Hospital,
Madurai - 625 020.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the second respondent i.e. the Director of Medical Education, Chennai to get the orders of the government for regularization of services of the petitioner's late husband Thiru.K.Petchimuthu as per G.O. Ms.No.151, Social Welfare and Nutritious Scheme Department dated 16.10.2008 and Government Letter No. 34082/C2/2009 - 1 dated 17.08.2009 of Health and Family Welfare Department, based on the proposals sent by the dean of Government Rajaji Hospital, Madurai in his letter No.04995/1/2/10 dated 15.06.2012.

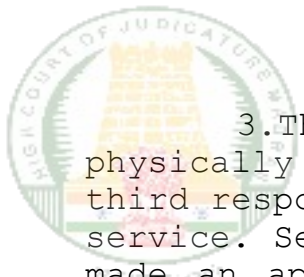
For Petitioner : Mr.S.Viswalingam

For Respondents : Mrs.J.Padmavathy Devi
Special Government Pleader

ORDER

The petitioner has come to this Court with the present writ petition seeking regularization of the service of her husband.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader for the respondents.



3.The case of the petitioner is that her husband, who is a physically disabled person, was serving as a Junior Assistant in the third respondent hospital and he passed away on 24.11.2009, while in service. Seeking appointment on compassionate ground, the petitioner made an application to the third respondent. The third respondent sent a communication dated 24.06.2015 to the second respondent to regularize the service of the petitioner's husband so as to provide appointment on compassionate ground to the petitioner. Further, G.O.Ms.No.151, Social Welfare and Nutritious Scheme Department, dated 16.10.2008 stipulates regularization of services of the physically disabled persons. However, there is no response from the second respondent till date. Hence, the petitioner is before this Court.

4.The learned Special Government Pleader appearing for the respondents submitted that no representation has been given by the petitioner seeking such relief and therefore, the petitioner may be directed to submit a representation.

5.A perusal of the records would reveal that there is no representation enclosed in the typed set of papers. However, in the interest of justice, the petitioner is directed to submit a fresh representation along with a copy of this order to the respondents within a period of two weeks from the date of receipt of a copy of this order. On receiving such representation, the same shall be considered by the respondents in the light of the communications dated 24.06.2015 and 06.09.2017 and necessary orders be passed thereon on merits and in accordance with law within a period of six weeks thereafter, after providing due opportunity of hearing to the petitioner.

6.The writ petition is disposed of with the above direction.
No costs.

Sd/-

Assistant Registrar(P&A)

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Sub Assistant Registrar(CS)

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

2.The Director of Medical Education,
Kilpauk, Chennai - 600 010.



3.The Dean,
Government Rajaji Hospital,
Madurai - 625 020.

+1 CC to M/s.The Special Government Pleader in SR-57094

+1 CC to M/s.S.VISVALINGAM, Advocate in SR-56199

W.P (MD) No.21916 of 2017
25.03.2019

mj

PK/22.04.2019 : 3P/6C