



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE. R.MAHADEVAN

W.P. (MD) No.7715 of 2017

WEB COPY

A.Mahalingam

.. Petitioner

Vs.

1.The Joint Director,
Medical and Rural Health Services and Family Welfare,
Ramanathapuram.

2.The Medical Officer,
Government Hospital,
Thiruvadanai,
Ramanathapuram District.

.. Respondents

PRAYER : Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus directing the 1st respondent to regularize the service of the petitioner as Sanitary Worker with all other monetary and service benefits on completion of 3 years of service from the initial date of appointment on 30.8.2005 in items of G.O.Ms.No.385 Finance (Salary) Department dated 1.10.2010 and in the light of the judgment of this Court reported in (2012) 1 MLJ 240 dated 12.10.2011.

For Petitioner : Mr.S.Govindan

For Respondents : Mr.C.M.Mari Chelliah Prabhu
Additional Government Pleader

ORDER

Seeking regularization of the service of the petitioner as Sanitary Worker, the petitioner made several representations to the first respondent. Despite the Government Order in G.O.Ms.No.385 Finance (Salary) Department dated 01.10.2010 as well as the judgment reported in (2012) 1 MLJ 240 [M.Anandan and others Vs. Secretary to Government of Tamil Nadu, Municipal Administration and Water Supply Dept., Fort St. George, Chennai and others] dated 12.10.2011, the petitioner's representations have not been considered. Hence, he has come up with the present writ petition.

2.The learned Additional Government Pleader appearing for the respondents submitted that the service of the petitioner had already been terminated and hence the prayer of the petitioner cannot be considered by the first respondent.



3. Such submission made by the learned Additional Government Pleader appearing for the respondents is stoutly refuted by the learned counsel appearing for the petitioner, by producing certain documents to the effect that the petitioner is in continuous service and also receiving salary from the second respondent.

4. Considering the facts and circumstances of the case and having regard to the rival submissions, this Court, without going into the merits of the case, directs the first respondent to consider the petitioner's representation dated 16.03.2016 in respect of the relief sought herein and pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner.

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

Sd/-
Assistant Registrar (CS-III)

/TRUE COPY/

Sub Assistant Registrar (CS)

To

1. The Joint Director,
Medical and Rural Health Services and Family Welfare,
Ramanathapuram.
2. The Medical Officer,
Government Hospital,
Thiruvadanai,
Ramanathapuram District.

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DS : 25/04/2019 : 2P/3C