



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WP(MD)No.23893 of 2016

and

WMP(MD)Nos.17240 to 17242 of 2016

1.K.Senthil Kumar

2.S.Kalpanadevi

... Petitioners

vs.

1.The Secretary to Government of Tamil Nadu,
Health and Family Welfare Department,
Fort Saint George,
Chennai - 600 009.

2.The Director of Public Health and Preventive Medicine,
359, Anna Salai,
Teynampet,
Chennai - 600 006.

3.The Deputy Director of Health Services,
Health and Family Welfare Department,
Sivaganga,
Sivaganga District.

4.The Deputy Director of Health Services,
Health and Family Welfare Department,
Karur, Karur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issuance a Writ of Certiorarified mandamus, calling for the records relating to Lr.No. 41421/AB2/2016-5 dated 03.03.2016 passed by the 1st respondent and quash the same and consequently direct the 1st respondent to absorb the petitioners as Data Entry Operators in regular time scale of pay as in the case of other 7 co-employees who were recruited along with the petitioners, based on the proposals submitted by the 2nd respondent in R.No. 123635/SBH-1/S2/2005 dated 05.10.2015.

For Petitioner : Mr.R.Rengaramanujam

For Respondents : Mr.C.M.Marichellaiah Prabhu,
Additional Government Pleader

**ORDER**

This writ petition has been filed seeking to quash the proceedings in Lr.No. 41421/AB2/2016-5 dated 03.03.2016 issued by the 1st respondent and consequently, to direct the 1st respondent to absorb the petitioners as Data Entry Operators in regular time scale of pay as in the case of similarly placed persons, based on the proposals submitted by the 2nd respondent in R.No. 123635/SBH-1/S2/2005 dated 05.10.2015.

2.The grievance of the petitioners is that their request for absorption in regular time scale of pay as Data Entry Operators, has been rejected vide impugned proceedings of the first respondent, whereas similarly placed persons have been absorbed in the regular time scale of pay. Hence, seeking to quash the rejection order and to issue necessary directions for their absorption in regular time scale of pay, the petitioners are before this Court

3.The learned Counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the respondents, referring to a decision of this Court in the case of S.Selvi Jabamalai and others Vs. State, represented by its Secretary to Government, Labour and Employment, Tamil Nadu and others, reported in 2017-III-LLJ-333(Mad), submitted that the issue in the present writ petition has already been settled in the above cited case.

4.The relevant portion of the above cited judgment reads as follows:

"8. The Hon'ble Supreme Court of India in the decision in State of Punjab and Others v. Jagjit Singh and Others [(2017) 1 SCC 148] has considered the issue with regard to Pay to the writ petitioners who are daily wagers, workings as Pump Operators, Fitters, Helpers, Drivers, Plumbers, Chowkidars etc., minimum of the pay scale revised from time to time, with permissible allowances as were paid to similarly placed regular employees and since it was ordered, the matter reached the portals of the Hon'ble Supreme Court of India. The Hon'ble Supreme Court of India, in the said decision has taken into consideration the concept of Equal Pay for Equal Work and also referred to the decision in State of Haryana v. Jasmer Singh [(1996) 11 SCC 77] and various other decisions."

11.In the result, these writ petitions are disposed of and the respondents are directed to consider the claim of the petitioners positively for regularization of their employment in the post of Typists and pendency of the same, shall accord Time Scale of Pay in the light of G.O.(Ms) No.97 and G.O.(Ms)No. 8, Labour and Employment (R2) Department dated 30.09.2011 and 24.01.2014 respectively and also in the light of the above cited decision and pass appropriate orders within a period of twelve weeks from the



date of receipt of a copy of this order and communicate the decision taken, to the petitioners. No costs. Consequently, connected miscellaneous petitions are closed."

5. The learned Counsel for the petitioners confined the prayer made herein and sought a similar order in this writ petition also. Such a prayer is also agreed by the learned Additional Government Pleader, appearing for the respondents.

6. In view of the above, this Court directs the respondents to consider the petitioners' claim, on merits and in accordance with law and also in the light of the decision cited supra, and pass necessary orders, after affording opportunity of hearing to the petitioners, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government of Tamil Nadu,
Health and Family Welfare Department,
Fort Saint George, Chennai - 600 009.

2. The Director of Public Health and Preventive Medicine,
359, Anna Salai,
Teynampet, Chennai - 600 006.

3. The Deputy Director of Health Services,
Health and Family Welfare Department,
Sivaganga, Sivaganga District.

4. The Deputy Director of Health Services,
Health and Family Welfare Department,
Karur, Karur District.

+2CC TO Mr. R. Rengaramanujam, Advocate, Sr No. 54869

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO. 55294

WP (MD) No. 23893 of 2016

19.03.2019

dsk

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