

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2020

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.3786 OF 2016 AND
WMP NO.3137 OF 2016
AND
W.P.NO.3787 OF 2016 AND
WMP NO.3138 OF 2016

V.Meenakshi ...Petitioner in W.P.3786 of 2016

P.Saraswathy ...Petitioner in W.P.3787 of 2016

Vs.

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary to the Government,
Department of Health and Family Welfare,
Secretriare, Chennai 600 009.
2. The Director,
O/o the Director Preventive Medicine and Rural Health,
DMS Compound, Chennai-6.
3. The Project Director,
Tamilnadu Health Systems Project,
DMS Compound, Chennai 600 006. ...Respondents in both petitions

Prayer in both the writ petitions : These writ petitions have been filed under Article 226 of the Constitution of India to issue a writ or order or direction in the nature of writ of mandamus or any other appropriate writ, order or direction, directing the 1st respondent to absorb the petitioners as sanitary workers in the 2nd respondent office in pursuant of 3rd respondent's Ref.No.6168/HSP/E1/2010 dated 24.12.2010.

in both the writ petitions

For Petitioner : Mr.P.Saravanan

For Respondents : Mr.J.Ramesh, Addl.Gov.Pleader
(for R1 and R2)

COMMON ORDER

These writ petitions have been filed for direction to the 1st respondent to absorb the petitioners as sanitary workers in the 2nd respondent office in pursuance of 3rd respondent's proceedings in Ref.No.6168/HSP/E1/2010 dated 24.12.2010.

2. The case of the petitioner in nutshell is as follows.

The petitioners were appointed as casual sweepers through outsourcing in the 3rd respondent on 20.04.2005 and they have worked for more than 7 years. The 3rd respondent sent a proposal to the first respondent vide Ref.No.6168/HSP/E1/2010 dated 24.12.2010 to absorb the petitioners as sanitary workers in the 2nd respondent department. However, the above said proposal is still pending before the first respondent. Further, except the petitioners, the other workers have been absorbed by the 2nd respondent. Therefore, the petitioners gave representation to the first respondent on 23.11.2015. But it was not considered. Hence these writ petitions.

3. The learned Additional Government Pleader submitted that the petitioners have no legal right to seek regularization of their service. However, if any appropriate order is passed by the court, the representation given by the petitioners will be considered in accordance with law.

4. In view of the submission made by the learned Additional government Pleader and also considering the limited scope of prayer, without expressing any opinion on merits, this court is inclined to pass the following order.

i) The first respondent is directed to consider the representation of the petitioners dated 23.11.2015 and pass appropriate orders on merits, as early as possible, within a period of 12 weeks from the date of receipt of the copy of this order.

5. With the above observation, these writ petitions in W.P.No.3786 of 2016 and W.P.No.3787 of 2016 are disposed of. No costs. Consequently, connected writ miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Government of Tamil Nadu,
The Principal Secretary to the Government of Tamil Nadu,
Department of Health and Family Welfare,
Secretriare, Chennai 600 009.
2. The Director,
O/o the Director Preventive Medicine and Rural Health,
DMS Compound, Chennai-6.
3. The Project Director,
Tamilnadu Health Systems Project,
DMS Compound, Chennai 600 006.

+2ccs to Mr.P.Saravanan, Advocate, S.R.No.12244
+1cc to the Government Pleader, S.R.No.13121

KKV/20/07/2020



W.P.No.3786 of 2016 and
WMP No.3137 of 2016,
and
W.P.No.3787 of 2016 and
WMP No.3138 of 2016,

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