

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.11.2020

Coram

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.23672 of 2014

J.Loganayagi

...Petitioner

-vs -

1.The Joint Director of Health Services,
Krishnagiri & District.

2. The Block Medical Officer,
Primary Health Centre,
Perigai,
Krishnakiri District.

...Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India to issue writ of Mandamus to direct the respondents to regularize the service of the petitioner as regular worker of sweeper and to direct the authority to pay suitable salary on par with regularized worker with retrospective effect.

For Petitioner : Mr.P.Vijendran

For Respondents : Mr.S.Thangavel
Spl. Govt. Pleader

ORDER

This writ petition has been filed for a direction to the respondents to regularize the service of the petitioner as regular worker of sweeper and for a further direction to the authority to pay suitable salary on par with regularized worker with retrospective effect.

2. It is the case of the petitioner that she was appointed as Sweeper on temporary basis with the second respondent on 5.11.2001. Whiles, her services were not regularized even though she had completed more than 12 years of service as on the date of filing of the writ petition. Moreover, her pay was also not regularized on par with regularized workers. Hence, she prays for an appropriate direction to the respondents.

3. Learned counsel for the petitioner submits that the petitioner rendered service of more than twelve years, inspite of such, her services were not regularised and also her pay was also not regularised on par with regular stream of workers. It is the further submission of the learned counsel for the petitioner that on the basis of the letter from the Government dated 28.7.14, persons, who had completed more than three years of services in the special time scale of pay have been directed to be included in the list and the petitioner's name also finds place in the list forwarded by the Director of Public Health and Preventive Medicine. The petitioner has also submitted a representation in the above regard, which has evoked no response. Therefore, it would suffice, if a suitable direction may be issued to the respondents to consider the representation of the petitioner in the light of G.O. Ms. No.385 within a time frame stipulated by this Court.

4. Learned Special Government Pleader appearing for the respondents though placed his contentions on the basis of the counter and additional counter and objected to the relief sought for by the petitioner, however, after some arguments, he fairly conceded that the representation submitted by the petitioner may be directed to be considered in the light of G.O. Ms. No.385 by the Director of Public Health and Preventive Medicine, in the light of the proposal sent in which the name of the petitioner has been forwarded for consideration.

5. In view of the fair stand taken by the learned counsel on either side and taking into consideration para 8 of the counter wherein it is averred that based on the Government letter dated 28.7.14, report along with proposal has been sent to the Government to regularise the service of the sanitary workers on consolidated pay who have put in more than three years of service in special time scale of pay as per G.O. Ms. No.385 dated 1.10.2010, this Court without going into the merits of the case, issues a direction to the petitioner to submit a fresh representation to the respondents within a period of two weeks from the date of receipt of a copy of this order and on such receipt, the second respondent is directed to dispose of the same in accordance with law in the light of G.O. Ms. No.385 dated 1.10.2010, within a period of three months thereafter.

6. In the above terms, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Joint Director of Health Services,
Krishnagiri & District.

2. The Block Medical Officer,
Primary Health Centre,
Perigai,
Krishnakiri District.

+lcc to Mr.P.Vijendran, Advocate, S.R.No.37524

+lcc to the Government Pleader, S.R.No.37759

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GP(CO)
RV(19/12/2020)



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