

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2020

CORAM

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P.No.23806 of 2014

Mageswari

...Petitioner

Vs

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

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, 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 Petitioners :Mr.P.Vijendran

For Respondents :Mr.J.Ramesh

Additional Government Pleader

ORDER

This writ petition has been filed by the writ petitioner seeking for a direction to 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.

2. According to the writ petitioner, she was appointed as Sweeper in the Primary Health Centre, Krishnakiri District, by the first respondent, vide proceedings in Na.Ka.No.7097/A2/99 dated 03.10.2001 through Employment Exchange under the scheme of TANIDA for three three years on contractual basis, on consolidated pay of Rs.500/- per month which was paid by the second respondent with condition. After completion of three years, the second respondent has utilized her service under the Rural Development Department, and she was continuously working with the second respondent and her salary was increased to

Rs.1,500/-, but her service was not regularized by the respondents. In the meantime, the first respondent sent a letter in Na.Ka.No.6077/A3/2010 dated 21.07.2014 to the second respondent stating that those who are all working more than three years with consolidated pay, their names should be sent to the first respondent. Thereafter, in that regard, the petitioner made a representation to the respondents on 09.04.2014, till date no order has been passed by the respondents in this regard. Hence, the petitioner has come forward with the present writ petition.

3. The learned counsel for the petitioner would submit that the Government has passed G.O(Ms)No.22, Personnel and Administrative Reforms (Finance) Department dated 28.02.2006 by stating that the services of the employees working in various Government Departments on daily wage basis, who have completed more than 10 years of service as on 01.01.2006, will be regularized. Pursuant to the Government Order, on 08.02.2006, the Government directed that the services of the daily wage employees working in all Government Departments who have rendered 10 years of service as on 01.01.2006, be regularized by appointing them in the time scale of pay of the post in accordance with the service conditions prescribed for the post concerned, subject to their being otherwise qualified for the post. Therefore, the petitioner is now seeking to regularize her service as regular worker in the post of Sweeper and to direct the authority concerned to pay suitable salary on par with regularized worker with retrospective effect.

4. Counter affidavit is filed by the respondent(s) stating that the petitioner was appointed as Sanitary worker through employment exchange on consolidated wage basis of Rs.500/- per month subject to the conditions. Subsequently, the services of the petitioner had not been terminated because the project period has been extended and the wages of the petitioner had been enhanced from 500/- to Rs.1500/- for those who have completed seven years of contractual duty with effect from 01.04.2007, vide letter in R.No.4909/SRHM/SHS/P/2006, dated 29.03.2007 of the Mission Director, State Rural Health Mission, State Health Society, Chennai-6. Following this, as per the instructions of the Government in letter No.3168/API/2014-2/H&FW Department, dated 28.07.2014, the consolidated report with proposals had to be sent to Government by the Directorate of Public Health and Preventive Medicine to regularize the services of the Sanitary Workers on consolidated pay, who have served more than three years in special time scale of pay as per G.O. (Ms)No.385, Finance Department, dated 01.10.2010, in which the name of the petitioner has also been included which is under the process before the Directorate of Public Health and Preventive Medicine, Chennai-6.

5. Recording the aforesaid statement made in the counter affidavit, the relief sought for in this writ petition by the petitioner to regularize her service, is under active consideration before the Directorate of Public Health and Preventive Medicine. Therefore, the writ petitioner has to seek her remedy only before the Directorate of Public Health and Preventive Medicine and also the Government, for which, the petitioner has send a fresh representation in the light of the proposal submitted by the second respondent as stated supra, in which event, the said representation shall be disposed of on merits and in accordance with law, as expeditiously as possible, at any rate, within a period of 12 weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs.

-s/d-

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,
Soolagiri, Krishnakiri District.

+1 CC to Mr.P.Vijendran, Advocate sr 13917

+1 CC to Govt. Pleader sr 13619.

सत्यमेव जयते

W.P.No.23806 of 2014

WEB COPY

AD(CO)
SP(29/07/2020)