



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2020

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. (MD)No.18745 of 2020

K.P.Malarvizhi

...Petitioner

Vs

1.The State of Tamil Nadu,
represented by its Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St.Geroge, Chennai - 600 009.

2.The Director of Medical Education,
No.167, E.V.R.Periyar Salai,
Kilpauk, Chennai - 600 010.

3.The Dean,
Government Rajaji Hospital, Madurai. ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1st and 2nd respondents to regularize the petitioner's service in the post of Hospital Worker in the 3rd respondent Hospital in the light of G.O.Ms.No.325, Health and Family Welfare (C1) Department, dated 11-09-2017 based on the clarification letter of the 3rd respondent in Na.Ka.No.29342/Ni.3/3/2018 dated 11.02.2019 within the time limit that may be stipulated by this Court.

For Petitioner	: Mr.G.Thalaimutharasu
For Respondents	: Mr.N.Shanmugaselvam Additional Government Pleader

ORDER

This Writ Petition is filed to direct the respondents 1 and 2 to regularize the petitioner's service in the post of Hospital Worker in the 3rd respondent Hospital, in the light of G.O.Ms.No.325, Health and Family Welfare (C1) Department, dated 11-09-2017 and based on the clarification letter of the 3rd respondent in Na.Ka.No.29342/Ni.3/3/2018 dated 11.02.2019.

2.By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.



3.The learned counsel appearing for the petitioner would submit that the petitioner is working as Hospital Worker in the 3rd respondent hospital on daily wage basis.

4.It is the contention of the learned counsel appearing for the petitioner that a similarly placed person like the petitioner, who is working as Hospital Worker in Thoothukudi Government Medical College, Thoothukudi, has already approached this Court by way of filing a writ petition in W.P.(MD) No.1801 of 2020 to reinstate him into service and to regularize his service, in the light of G.O. (Ms).No.325 Health and Family Welfare (C1) Department, dated 11.9.2017 and by considering the representation, dated 18.06.2019.

5.The learned counsel would further contend that this Court, vide order, dated 09.03.2020 directed the 1st respondent therein to consider the request of the petitioner, in the light of the aforesaid Government Order, within a period of eight weeks from the date of receipt of a copy of that order. In compliance of the order of this Court, dated 09.03.2020, the 1st respondent had passed final orders, regularizing the petitioner's service therein.

6.The learned counsel would further contend that in a similar way, the petitioner herein and others have made a joint representation, dated 27.10.2018 to the Hon'ble Chief Minister's Special Cell and the same has been forwarded to the 3rd respondent, vide proceedings dated 16.11.2018. Though the 3rd respondent, by proceedings dated 11.02.2019, sought for clarification with regard to the regularization of the petitioner's service from the 2nd respondent, so far no action has been taken by the 2nd respondent. Hence, the present writ petition.

7.Mr.N.Shanmugaselvam, learned Additional Government Pleader, who accepts notice on behalf of the respondents, would submit that challenging the order passed by this Court in W.P.(MD) No.1801 of 2020, dated 09.03.2020, the respondents have preferred an appeal before the Hon'ble Supreme Court and the same is pending now, however he admits the fact that the service of the petitioner in W.P.(MD) No.1801 of 2020, has been regularized by the 1st respondent therein. He would further submit that the petitioner as well as others have made a joint representation, dated 27.10.2018 only to the Hon'ble Chief Minister's Special Cell and with regard to their grievance, no representation has been given to the respondents either individually or jointly by the petitioner and others. He would further submit that if the petitioner gives fresh representation individually to the respondents, her request would be considered on merits and in accordance with law.

8.For the aforesaid submission, the learned counsel appearing for the petitioner would submit that the petitioner is ready and willing to submit a representation individually to the respondents



with regard to the regularization of her services.

9. On a perusal of the papers, it appears that in a similar matter in W.P.(MD) No.1801 of 2020, this Court has already passed an order on 09.03.2020 and in compliance of the same, the 1st respondent therein regularized the service of the petitioner therein, in the light of G.O.(Ms).No.325 Health and Family Welfare (C1) Department, dated 11.9.2017. Therefore, this Court is of the view that the benefit available in the aforesaid Government Order can also be available to the petitioner herein and the same may be considered by the respondents on merits and in accordance with law.

10. In the light of the above, this Court is inclined to pass the following directions:-

the petitioner is directed to submit a fresh representation individually to the respondents, in which case, the respondents are directed to consider the same and pass appropriate orders on merits and in accordance with law, in the light of G.O.(Ms).No.325 Health and Family Welfare (C1) Department, dated 11.9.2017 and the proceedings of the 3rd respondent, dated 11.02.2019, within a period of eight weeks from the date of receipt of a copy of this order;

11. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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The State of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Fort St. George, Chennai - 600 009.

2. The Director of Medical Education,
No.167, E.V.R. Periyar Salai,
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3.The Dean,
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