



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :22.12.2020

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THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

W.P. (MD) .Nos.19141, 19151, 19154, 19156, 19158, 19160, 19161 and 19162 of 2020

1.M.Gowri	: Petitioner in W.P(MD)No.19141/2020
2.S.Bose	: Petitioner in W.P(MD)No.19151/2020
3.M.Pandi	: Petitioner in W.P(MD)No.19154/2020
4.S.Rajaveeran	: Petitioner in W.P(MD)No.19156/2020
5.N.Pandi	: Petitioner in W.P(MD)No.19158/2020
6.S.Amir Begam	: Petitioner in W.P(MD)No.19160/2020
7.P.Thirupathi Mahalingam	: Petitioner in W.P(MD)No.19161/2020
8.S.Karthick	: Petitioner in W.P(MD)No.19162/2020

Vs.

1. The State of Tamil Nadu
represented by its Secretary to Government,
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,
Kilpauk,
Chennai 600 010.
3. The Dean,
Government Rajaji Hospital,
Madurai.

: Respondents in all WPs.

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to regularise the petitioners' service in the post of Hospital Worker in the third 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 third 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 (in all WPs.)
For Respondents : Mr.K.P.Narayanakumar (in all WPs.)
Special Government Pleader

C O M M O N O R D E R

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All the writ petitions are taken up together and are disposed of by the common order, as the issue to be decided and adjudicated is one and the same.

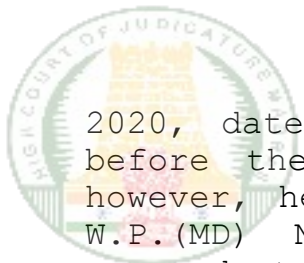
2. These writ petitions have been filed for a direction to the respondents 1 and 2 to regularise the petitioners' service in the post of Hospital Worker in the third respondent Hospital, in the light of G.O.(Ms).No.325, Health and Family Welfare (C1) Department, dated 11.09.2017, based on the Clarification Letter of the third respondent in Na.Ka.No.29342/Ni.3/3/2018, dated 11.02.2019.

3. By consent of both parties, these writ petitions are taken up for final disposal at the admission stage itself.

4. It is the contention of the learned counsel appearing for the petitioners that similarly placed person like the petitioners, who is working as Hospital Worker in Thoothukudi Government Medical College, Thoothukudi, has already approached this Court by filing a writ petition in W.P.(MD) No.1801 of 2020, to reinstate him into service and to regularise 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. This Court, vide order dated 09.03.2020, directed the first 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 first respondent had passed the final order, regularizing the petitioner's service therein.

5. The learned counsel for the petitioners further submitted that in a similar way, the petitioners herein 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 third respondent, vide proceedings dated 16.11.2018. Though the third respondent, by proceedings dated 11.02.2019, sought for clarification with regard to the regularisation of the petitioners' service from the second respondent, so far no action has been taken by the second respondent. Hence, the present writ petitions have been filed.

6. Mr.K.P.Narayanakumar, learned Special Government Pleader, who accepts notice on behalf of the respondents, submitted 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 first respondent therein. He further submitted that the petitioners 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 petitioners. He further submitted that if the petitioners give fresh representation individually to the respondents, their request would be considered on merits and in accordance with law.

7. For the aforesaid submissions, the learned counsel appearing for the petitioners submitted that the petitioners are ready and willing to submit their representations individually to the respondents with regard to the regularization of their services.

8. 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 first 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 petitioners herein and the same may be considered by the respondents on merits and in accordance with law.

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

the petitioners are 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 third respondent, dated 11.02.2019, within a period of eight weeks from the date of receipt of a copy of this order.

10. With the above direction, these Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar (Records)

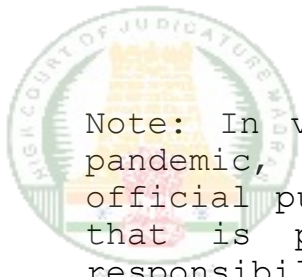
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Sub Assistant Registrar(CS)

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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.

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To

1. The Secretary to Government,
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,
Kilpauk,
Chennai 600 010.
3. The Dean,
Government Rajaji Hospital,
Madurai.

+1cc to Mr.G.Thalaimutharasu, Advocate, SR.No.26955.

W.P. (MD) .Nos.19141, 19151, 19154, 19156,
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19162 of 2020
22.12.2020

MK (CO)
CS (19.01.2021) 4P 5C