



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2020

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)No.11166 of 2014

and

M.P(MD) .Nos.2 and 3 of 2014

WEB COPY

- 1.M.Palanikumar
- 2.P.Ponram
- 3.T.Karthikeyan
- 4.S.Murugan
- 5.P.Velmeena
- 6.S.Dhanalakshmi

... Petitioners

Vs

- 1.The Principal Secretary to Government,
Health and Family Welfare (EAP-II(2)) Department,
Government of Tamil Nadu,
Fort St. George, Chennai 600 009.
- 2.The Director of Public Health &
Welfare Department,
Office of the Director of Public Health &
Welfare Department,
Teynampet, Chennai.
- 3.The Commissioner,
Chinnamanur Municipality,
Chinnamanur, Theni District.
- 4.The Commissioner,
Cumbum Municipality,
Cumbam, Theni District.
- 5.The Commissioner,
Periyakulam Municipality,
Periyakulam, Theni District.
- 6.The Commissioner,
Bodinayakanur Municipality,
Bodinayakanur, Theni District.
- 7.The Commissioner,
Theni Municipality,
Theni, Theni District.
- 8.The Director of Public Health and Preventive Medicine,
Chennai 600 006.



9.The Deputy Director of Public
Health and Preventive Medicine,
Theni, Theni District.

... Respondents

***(R8 & R9 are impleaded vide Court order
dt.08.12.2017 in M.P(MD)No.4 of 2014)***

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to regularize the service of the petitioners as Hospital Workers and consequently, directing the respondents herein to pay the arrears of consolidated pay payable to the petitioners to the post of Hospital Workers as per G.O.Ms.No.103 Health & Family Welfare (EAP-II(2)) Department, dated 15.04.2010 with effect from 2013 and enhanced conveyance allowance to the petitioners 1 to 3 herein, within a reasonable time.

For Petitioners : Mr.K.Appadurai

For R1,R2,R8 & R9: Mr.P.Mahendran
Additional Government Pleader

For R4 : Mr.G.Arjunan
Government Advocate

For R3,R5,R6&R7 : Mr.M.Karuppasamy
Government Advocate

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents to regularize the service of the petitioners as Hospital Workers.

2.The learned counsel appearing on behalf of the writ petitioners mainly contended that the writ petitioners were engaged as Hospital Workers under the respondents. Though these writ petitioners are working for many years, their services are yet to be regularized. The learned counsel appearing for the writ petitioners made a submission that the petitioners are qualified and therefore, their services are to be confirmed.

3.The learned Additional Government Pleader appearing on behalf of the respondents made a submission that now the hospital workers are out-sourced and their employment is provided to outsourcing method. This Court is of the considered opinion that the outsourcing of Hospital Workers are already confirmed by the Government. Hence, there is no impediment for continuing the



outsourcing method and as far as the writ petitioners are concerned, due to Covid-19 situation, they are permitted to work till their representations are considered.

4.This Court is of the considered opinion that the appointments can never be claimed as a matter of right. The regularization is to be granted strictly in accordance with the rules in force. Equal opportunity in public employment is the constitutional mandate. Now, it is brought to the notice of this Court that the petitioners are still continuing in service and more specifically, actively performing their duties on account of Covid-19 situation. Under these circumstances, considering the pandemic situation, all the writ petitioners shall be allowed to continue in service, till their representations are considered regarding their grievances.

5.The writ petitioners are permitted to submit their representations setting out all the details along with documents to the second respondent and on receipt of such representations from the writ petitioners, the second respondent is directed to consider the same on merits and in accordance with the Rules in force and pass orders within a period of twelve weeks from the date of receipt of the representations from the writ petitioners.

6.With the above directions, this Writ Petition stands disposed of. However, it is made clear that till the representations are considered and final order is passed, all the writ petitioners shall be allowed to continue in service. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2020

Sub Assistant Registrar(CS)

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To

1.The Principal Secretary to Government,
Health and Family Welfare (EAP-II(2)) Department,
Government of Tamil Nadu,
Fort St. George, Chennai 600 009.



- 2.The Director of Public Health & Welfare Department,
Office of the Director of Public Health & Welfare Department,
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Chinnamanur, Theni District.
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Bodinayakanur, Theni District.
- 7.The Commissioner,
Theni Municipality,
Theni, Theni District.
- 8.The Director of Public Health and Preventive Medicine,
Chennai-600 006.
- 9.The Deputy Director of Public Health and Preventive Medicine,
Theni, Theni District.
- +1 CC to Mr.K. APPADURAI, Advocate (SR-20087[F] dated 15/10/2020)
- +1 CC to Mr.K. HEMAKARTHIKEYAN, Advocate (SR-20140[F] dated 15/10/2020)

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