

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.03.2021

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5900 of 2021
and
W.M.P.No.6511 of 2021
(Heard through VC)

1.A.Rajamani
2.K.Govindarajan
3.S.Venkadasamy
4.M.Vairavanathan
5.Pandiyammal .. Petitioners

-vs-

1. The Government of Tamil Nadu,
Represented by its Secretary,
Health and Family Welfare Department,
Fort St. George,
Chennai - 600 009.
2. The Director,
Directorate of Indian Medicine and Homeopathy,
Anna Arch Road, PP Garden, Arumbakkam,
Chennai - 600 106.
3. The District Siddha Medical Officers,
Ramanathapuram District. .. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the respondents to regularize the service of the petitioners as Sweeper, Scavenger and Office Assistant in the cadre of Multipurpose Worker from the date of initial appointment and give time scale of pay by considering the representation dated 08.12.2020 made by the petitioners with all consequential benefits and in accordance with law.

For Petitioners : Mr.P.Ganesan

For Respondents : Mr.P.Karthikeyan
Additional Government Pleader

O R D E R

The petitioners have come forward with this writ petition seeking a direction to the respondents to regularize the service of the petitioners as Sweeper, Scavenger and Office Assistant in the cadre of Multipurpose Worker from the date of initial appointment and give time scale of pay by considering their representation dated 08.12.2020 with all consequential benefits and in accordance with law.

2. Mr.P.Karthikeyan, learned Additional Government Pleader takes notice on behalf of the respondents.

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

4. The case of the petitioners is that they were appointed through Employment Exchange as Multipurpose Worker as Sweeper, Scavenger and Office Assistant under the control of third respondent and posted in the section of AUSHY Medical Officer, Government Primary Health Centre. Till now they are working in the same post and getting a sum of Rs.300/- per day as wages. The petitioners have completed 9 to 11 years of service as Sweeper, Scavenger and Office Assistant with meager salary without regularisation of service. Since the petitioners were appointed as Multipurpose Worker through District Employment Exchange in a newly created post and have completed more than 10 years of service, they made an individual representation dated 08.12.2020 to the respondents to regularise their service as Sweeper, Scavenger and Office Assistant in the cadre of Multipurpose Worker from the date of their initial appointment and give time scale of pay. As there was no response from the respondents, the petitioners are before this Court.

5. Considering the facts and circumstances of the case and taking into account the fact that the petitioners' representations are already pending with the respondents, the writ petition is disposed of with the following directions:

i) A direction is issued to the respondents to consider the representations submitted by the petitioners dated 08.12.2020, if not already disposed of, and pass appropriate orders thereon in accordance with law and taking into account the decision made in W.P.(MD)No.24081 of 2018 dated 31.01.2019, if the same is applicable to the facts of the petitioners' case, after affording an opportunity of hearing to the petitioners and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 90 days from the date of receipt of a copy of this order.

personal hearing, the petitioners are entitled to send a written submissions within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioners can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioners fail to appear or file a written submissions in time, the respondents shall pass orders based on the available records and the petitioners, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioners;

iv) The petitioners shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representations dated 08.12.2020 and this order, to the respondents forthwith;

v) The respondents are directed to communicate the decision taken on the appeal, to the petitioners within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioners are not aware of the order. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (CS-VIII)

// True Copy //

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Sub Assistant Registrar

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To

1. The Government of Tamil Nadu,
Represented by its Secretary,
Health and Family Welfare Department,
Fort St. George,
Chennai - 600 009.

2. The Director,
Directorate of Indian Medicine and Homeopathy,
Anna Arch Rd, PP Garden, Arumbakkam,
Chennai - 600 106.

3. The District Siddha Medical Officers,
Ramanathapuram District.

+1 CC to Government Pleader, SR.No.15871

W.P.No.5900 of 2021

and

W.M.P.No.6511 of 2021

LN (CO)
RLP (12.07.2021)



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