



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.20367 OF 2021

(Through Video Conferencing)

V.R.Sankar

... Petitioner

Vs

1. State of Tamil Nadu,
Represented by Principal Secretary to Government,
Health and Family Welfare Department,
Fort St. George,
Secretariat, Chennai - 600 009.

2. The Director of Public Health
and Preventive Medicine,
Office of the Directorate of Public Health
and Preventive Medicine,
359, Anna Salai, DMS Complex,
Teynampet, Chennai - 600 006.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pass orders on the representation submitted by the petitioner dated 23.07.2015, based on the proposal forwarded by the second respondent in to the first respondent to grant regular time scale of pay to the petitioner for the period of service rendered from 01.12.1993 to 30.06.1997, with all consequential and other attendant benefits.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate



ORDER

The petitioner has sent a representation dated 23.07.2015 to the second respondent with a request to regularize his services with regular time scale of pay for the period of service rendered between 01.12.1993 and 30.06.1997 with all consequential and other attendant benefits.

2. It is the case of the petitioner that a proposal has also been forwarded to the first respondent by the second respondent in Na.Ka.No.68768/Pa.Tho.3/Iru.3/15 dated 03.02.2016.

3. Opposing the prayer, the learned Government Advocate for the respondents submits that the writ petition is liable to be dismissed on the ground of laches.

4. By way of rejoinder, the learned counsel for the petitioner submits that the representation was given as early as 2015 and that the second respondent has also forwarded a proposal to the first respondent and therefore the petitioner cannot be shut out on the ground of laches. He further submits that the petitioner is a Sweeper/Sanitary Worker with the Public Health Department and therefore, failure on the part of the petitioner to approach earlier cannot be to his disadvantage as the petitioner may not be aware of the rights when the rights accrued to the petitioner.

5. Considering the fact that the petitioner's representation dated 23.07.2015 has not been addressed till date, this Writ Petition is disposed by directing the first respondent to pass appropriate orders on the representation of the petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

6. The first respondent shall also consider the proposal dated 03.02.2016 bearing Ref.Na.Ka.No.68768/Pa.Tho.3/Iru.3/15 of the first respondent and pass appropriate orders and grant relief to the petitioner, if the petitioner is otherwise eligible for such relief as per the Government Orders.



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7. This Writ Petition stands disposed of with the above observations. No costs.

Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

arb

To

1. The Principal Secretary,
Government of Tamil Nadu,
Health and Family Welfare Department,
Fort St. George,
Secretariat, Chennai - 600 009.
2. The Director of Public Health
and Preventive Medicine,
Office of the Directorate of Public Health
and Preventive Medicine,
359, Anna Salai, DMS Complex,
Teynampet, Chennai - 600 006.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.49633

+1cc to the Government Pleader, High Court, Madras, S.R.No.49789

W.P.No.20367 of 2021

CA(CO)
RLP(22/11/2021)