



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE **M.M. SUNDRESH**

AND

THE HONOURABLE MRS. JUSTICE **S. ANANTHI**

W.A. (MD) No. 328 of 2019

and

C.M.P (MD) Nos. 2566 & 2567 of 2019

Petchiappan

...Appellant/1st Respondent

Vs.

1. The Presiding Officer,
Principal Labour Court,
Tirunelveli.

...1st Respondent/2nd Respondent

2. The Deputy Director,
Health Services,
Tirunelveli.

...2nd Respondent/Petitioner

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent as against the order passed by this court dated 19.03.2018 made in W.P. (MD) No. 6077 of 2017.

Prayer in WP (MD) . 6077/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorari calling for the records relating to the order dated 11.04.2016 made in I.D.No.61 of 2015 on the file of the principal Labour Court, Tirunelveli passed by the 2nd respondent herein and quash the same as illegal.

For Appellant	: Mr.K.Gokul
For 2nd Respondent	: Mrs.J.Padmaavathi Devi Special Government Pleader
For 1st Respondent	: Court

JUDGMENT

(Judgment of the Court was delivered by **M.M. SUNDRESH, J.**)

The issue involved in this writ appeal is already covered by the Judgment, dated 02.03.2021 in W.A. (MD) No. 334 of 2019, wherein, this Court has passed the following order :

"6. The appellants seek a limited prayer before us, which is, to direct the Secretary to the Government, Health and Family Welfare Department, Secretariat, Chennai, to consider their case and extend the relief, as granted to 27 others, which according to them are similarly placed, in G.O. Ms. No. 325, Health and Family



Welfare (C1) Department, dated 11.09.2007.

7. For the aforesaid exercise, neither the second respondent nor the Government of Tamil Nadu, Rep. by the Secretary, Health and Family Welfare Department, Secretariat, Chennai, will have any objection. Therefore, without expressing anything on the merits of the claim, we are inclined to direct the said authority to consider the case of the appellants and grant the relief, as given to the others in G.O.Ms.No.325, Health and Family Welfare (C1) Department, dated 11.09.2007, provided the appellants are similarly placed. After all, a welfare State is expected to be fair to the similarly placed employees, which is applicable even to the relief granted.

8. In such view of the matter, we call upon the Secretary to the Government, State of Tamil Nadu, Health and Family Welfare Department, Secretariat, Chennai, to look into the issue and pass appropriate orders, in the light of the Government Order passed in G.O.Ms.No.325, Health and Family Welfare (C1) Department, dated 11.09.2007, after satisfying that the appellants are similarly placed to that of those persons, who have been given the benefit thereunder. Appropriate orders in this regard will have to be passed within a period of twelve weeks from the date of receipt of representation from the appellants. The appellants are directed to give such representation within a period of two weeks from the date of receipt of a copy of this judgment.

9. We once again make it clear that we have not expressed anything on the merits of the matter and the Secretary to the Government, Health and Family Welfare Department, Secretariat, Chennai, is to take a decision in this regard, after satisfying himself that the appellants are similarly placed to that of those persons, who have been given the benefit in the said Government Order.

10. With the above directions, these writ appeals stand disposed of. No costs. Consequently, all the connected miscellaneous petitions stand closed."



2. Following the same, the writ appeal stands disposed of.
No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RTI)

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/ /2021

Sub Assistant Registrar (CS)

To

1. The Presiding Officer,
Principal Labour Court,
Tirunelveli.

2. The Deputy Director,
Health Services,
Tirunelveli.

W.A. (MD) No. 328 of 2019
30.03.2021

MJ (CO)

KB (24.04.2021) 3P 3C