



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2021

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P (MD) No.14668 of 2021

- 1.L.Renganathan
- 2.M.Murugan
- 3.V.Gurunathan
- 4.S.Chandrakumar
- 5.R.Johnson

... Petitioners

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai - 9.
- 2.The Director of Public Health and Preventive Medicine,
O/o. The Director of Public Health and Preventive Medicine,
Chennai.
- 3.The Director of Medical and Rural Health Services,
O/o. The Director of Medical and Rural Health Services,
Chennai - 6.
- 4.The Joint Director,
Medical and Rural Health Services and Family Welfare,
O/o.Medical and Rural Health Services and Family Welfare,
Sivagangai District.
- 5.The Joint Director,
Medical and Rural Health Services and Family Welfare,
O/o.Medical and Rural Health Services and Family Welfare,
Theni District.
- 6.The Joint Director,
Medical and Rural Health Services and Family Welfare,
O/o.Medical and Rural Health Services and Family Welfare,
Virudhunagar District.
- 7.The Joint Director,
Medical and Rural Health Services and Family Welfare,
O/o.Medical and Rural Health Services and Family Welfare,
Dindigul.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct

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the respondents to regularize the services of the petitioners with effect from the date on which the petitioners' completed the 5 years of service from the date of initial appointment of the petitioners within the period that may be stipulated by this Court.

For Petitioners : Mr.Mohamed Suhail
For M/s.Ajmal Associates.

For Respondents : Mr.S.Shanmugavel,
Standing Counsel.

ORDER

The prayer in this writ petition is for issuance of a Writ of Mandamus, to to direct the respondents to regularize the services of the petitioners with effect from the date on which the petitioners' completed the 5 years of service from the date of initial appointment of the petitioners within the period that may be stipulated by this Court.

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

3. According to the petitioners, they were sponsored through Employment Exchange and were appointed as Multipurpose Hospital Workers during the years 2013 and 2014 on temporary basis. The Government of Tamil Nadu issued G.O.Ms.No.325 Health and Family Welfare (F2) Department dated 20.11.2012, formulating a new policy for the purpose of recruitment of Hospital Workers in Government Medical Institutions in order to revamp the functional aspects of the Health and Family Welfare Department with a view to improve the health services provided by the Government to the general public. Pursuant to the said G.O., the sanctioned posts of sanitary Worker, Hospital Worker and Nursing Assistant Grade II are unified as Multi purpose Hospital Workers.

4. According to the petitioners, as a matter of fact, though their appointment was made initially for a period of one year, it is extended on yearly wise basis upto five years and on completion of five years, their services are intended to be regularized by virtue of the said G.O.(Ms) No.325 dated 20.11.2012. Therefore, on completion of five years, on behalf of the petitioners, the Association which was formed by the petitioners, called Tamil Nadu Multipurpose Hospital Workers Association, made a representation dated 29.01.2020 to the 2nd and 3rd, who in turn sent proposals to the 1st respondent for consideration of the claim of the petitioners for regularization of the petitioners services and to bring them under regular scale of pay. Since no action is forthcoming from the 1st respondent despite their representation, the petitioners have come forward with the present Writ Petition.



5. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

6. The learned counsel for the writ petitioners state that the petitioners were appointed through Employment Exchange as Multi Purpose Hospital Workers and they completed five years of service from their date of initial appointment and hence, their services have to be regularized in accordance with G.O.(Ms).No.325, dated 20.11.2012, which contemplates regularization after the completion of five years period.

7. The Government issued G.O.(Ms)No.325, Health and Family Welfare (F2) Department, dated 20.11.2012 formulating a new policy for recruitment of Hospital Worker / Sanitary Worker and the unified workers of Nursing Assistants Grade-II was named as Multi Purpose Hospital Workers. The vacant posts of Sanitary Worker/Hospital Worker be filled up by creating a unified category in the Government Hospitals, District Headquarters Hospitals, major Taluk Hospitals with less than 200 beds, Primary Health Centres, offices, dispensaries etc., where beds are not sanctioned through Employment Exchange on consolidated pay on contract basis. This contract appointment shall be made initially for a period of one year which shall be extended every year based on the performance of the incumbent up to a total period of 5 years. The Contract payment shall be fixed as per District Collector's rate for unskilled worker. This appointment shall be made by the Deputy Director of Health Services of the Health Unit District/Joint Director of Health Services of the District/Dean of the Medical College Hospital concerned.

8. Based on the above G.O., the petitioners claimed that they are entitled to be regularized on completion of the five years service. Admittedly, the representation made by the petitioners has been pending before the 1st respondent. Therefore, it is for the 1st respondent to deal with and decide the issue of entitlement of regularization in respect of the workers who completed five years of service.

9. Therefore, without adverting into merits of the claim of the petitioners and without delving upon the issue involved in the Writ Petition, this Court feels it appropriate to direct the 2nd and 3rd respondents to send the service particulars regarding the petitioners to the 1st respondent, within a period of four weeks from the date of receipt of copy of this order and the 1st respondent on receipt of those particulars, shall consider the representation made on behalf of the petitioners dated 29.02.2020 along with the proposals sent by 2nd and 3rd respondents and pass appropriate orders, in accordance with law and on merits, within a period of six weeks thereafter.



10. With the above direction, the Writ Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed. No order as to costs.

Sd/-

Assistant Registrar (CS-II)

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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.

To:

- 1.The Principal Secretary,
Government of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Chennai - 9.
- 2.The Director of Public Health and Preventive Medicine,
O/o. The Director of Public Health and Preventive Medicine,
Chennai.
- 3.The Director of Medical and Rural Health Services,
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7.The Joint Director,
Medical and Rural Health Services and Family Welfare,
O/o.Medical and Rural Health Services and Family Welfare,
Dindigul.

+5 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-26882[F] dated
23/08/2021)

+1 CC to M/s.GP (SR-26902[F] dated 23/08/2021)

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RD(14.09.2021) 5P 14C