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W.P.No.22146 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22146 of 2019

- 1.Mr.S.Kirubanandhan
- 2.Mrs.A.Meena
- 3.Mrs.V.Mala
- 4.Mrs.E.Uma
- 5.Mrs.S.Pachiyammal
- 6.Mr.P.Muthulingam
- 7.Mr.P.Thanigachalam
- 8.Mrs.C.Lakshmi
- 9.Mrs.K.Vasuki
- 10.A.Mala
- 11.Mrs.P.Malar
- 12.Mr.M.Arasu
- 13.Mr.P.Parthasarathy
- 14.S.Rani
- 15.C.Suguna
- 16.Mrs.R.Thatchayani
- 17.Mr.T.Murugan
- 18.M.Manjula



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- 19.A.Chitra
- 20.Mr.R.Arumugam
- 21.Mr.G.Arul
- 22.S.Vijaya
- 23.Mrs.R.Savithri
- 24.Mrs.Paulin Mary
- 25.Mrs.P.Usha
- 26.Mrs.V.Mala @ Poongavanam
- 27.S.Valliyammal
- 28.Mrs.Bhoomadevi
- 29.D.Annakkili
- 30.Mrs.Valli
- 31.M.Selvi
- 32.T.Annamalai
- 33.P.Pazhani
- 34.Mrs.Kalaiselvi
- 35.Mr.Mahalingam
- 36.Mrs.Mageshwari
- 37.S.Rajeswari
- 38.V.Jayakumari
- 39.Mr.N.Srinivasan
- 40.Mr.M.kumar
- 41.T.Benni
- 42.Mrs.S.Nirmala
- 43.P.Parimala



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44.A.Meena

45.K.Sujatha

46.M.Kovarathinam

47. Mrs.A.Vasanth

48.P.Selvi

49.S.Rajeshwari

50.N.Palanivel

51.M.Valli

52.M.Manoharan

53.Mrs.M.Selsa

54.M.Pushparani

... Petitioners

Vs.

1.The Secretary to Government
Public Health & Family Welfare Department
Fort St. George, Chennai – 600 009.

2.The District Collector
Thiruvannamalai District.

3.The Director
The Public Health and Preventive Medicine,
Chennai – 600 006.

4.The Deputy Director of Health Services,
Cheyyar – 604 407.

5.The Deputy Director of Health Services,
Thiruvannamalai.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents 1 to 5 for extent the benefit to the petitioner based on G.O.(D).No.792, Health and Family Welfare (AB1) Department dated 05.04.2017 and given all other service and monetary benefits from the date of their appointment net.

For Petitioners : Mr.P.Manikannan

For Respondents : Mr.S.Stalin Abhimanyu
Additional Government Pleader

ORDER

The writ of Mandamus has been filed to direct the respondents 1 to 5 to extend the benefit of Government order issued in G.O.(D).No.792, Health and Family Welfare (AB1) Department dated 05.04.2017 and grant all the monetary benefits.

2. The petitioners are working as Sanitary Workers in Government Primary Health Centre. They were engaged by the Patient Welfare Society as daily rated employee and a fixed salary of Rs.1,500/- per month has been paid to them.



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3. The learned counsel for the petitioners states that all the petitioners are working for the past several years with clean record of service and the monetary benefits as enhanced by the Government in its order issued in G.O.(D).No.792, Health and Family Welfare (AB1) Department dated 05.04.2017, has not been paid to these writ petitioners. The petitioners have submitted several representations to grant monetary benefits in accordance with G.O.(D).No.792, Health and Family Welfare (AB1) Department dated 05.04.2017, but the respondents have not issued any orders and therefore, the writ petitioners are constrained to move the present writ petition.

4. The learned Additional Government Pleader appearing on behalf of the respondents relying on the counter affidavit filed by the Director of Public Health and Preventive Medicine made a submission that orders were issued in G.O.(D).No.792, Health and Family Welfare (AB1) Department dated 05.04.2017 by permitting the Director of Health and Preventive Medicine to fix the wages of 3140 Sanitary Workers on daily wages as fixed by the concerned District Collectors engaged under his control. Further instructed to claim and pay the wages for 3140 RCH Sanitary Workers from the National Rural Health Mission. Regarding steps taken, the respondents have stated in



paragraph 9, which reads as under:

“9. Subsequently, by following the instruction issued in G.O. (D). No.792, Health and Family Welfare (AB2) Department, Dated: 05.04.2017, a proposal has been addressed to the Mission Director, National Health Mission vide this office Letter No.31791/PHC7/A3/2017, Dated:29.05.2018 for allotment of funds to the tune of Rs.3325.17/- Lakhs for the financial year 2017-18 towards the salary component of 3140 RCH Sanitary Workers.

The Mission Director, State Health Society has informed that the above proposal has not been approved by the Government of India in ROP 2018-19 and also informed that the State Government may be addressed for budget allocation for this activity. Hence, by following the instructions of Mission Director, State Health Society and to implement the G.O.(D). No. 792 Health and Family Welfare (AB-2) Department, Dated:05.04.2017 this office has requested the Government to sanction a sum of Rs.67.46/- Crores for the financial year 2017-18 & 2018-19 towards the payment of salaries (daily wages) to the entire 3140 Sanitary Workers under State Funds. Further,



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in the Government Letter No. 14037/AB1/2019-2, Health and Family Welfare Department, Dated:19.08.2019, it is informed that the above said proposal is still under examination of the Government in consultation with the Finance Department.”

5. The Government order is intended to grant monetary benefits in terms of the Minimum Wages Act. Accordingly, the Director of Public Health and Preventive Medicines is empowered to fix the wages for 3140 Sanitary Workers sanctioned in the Government orders during various periods. Though the Government order was issued in the year 2017, no financial sanction was accorded by the Government till today. There is no reason for such an enormous delay in extending the monetary benefits to these Class-IV employees, who all are engaged for a fixed monthly salary. The monthly salary of Rs.1,500/- is very meagre and unreasonable in comparison with the Cost Index prevailing as of now and therefore, the Government has to consider the plight of all these employees and implement the orders in G.O.(D).No.792, Health and Family Welfare (AB1) Department dated 05.04.2017. Since the National Health Mission Funds are not sanctioned by



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the Government of India, the Director of Public Health has addressed the issues to the 1st respondent Government and therefore, the 1st respondent / Government is bound to take a decision to extend the benefit of the Government order for the welfare of the Sanitary Workers working in the various Primary Health Centres.

6. The job of the Sanitary Workers in the Primary Health Centres are of paramount importance and now they are receiving a sum of Rs.1,500/- per month, which is absolutely unreasonable and even comparing to the private players it is far less and therefore, the Government has to consider to implement the order issued in G.O.(D).No.792, Health and Family Welfare (AB1) Department dated 05.04.2017 for the welfare of these Group 'D' employees working for several years in the Primary Health Centres.

7. In view of the facts and circumstances, the 1st respondent is directed to consider the proposal submitted by the Director of Public Health and Preventive Medicine and pass appropriate orders as expeditiously as possible, preferably within a period of 12 weeks from the date of receipt of a copy of this order.



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8. With the above direction, the Writ Petition stands disposed of. No costs.

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Index : Yes

Speaking order

To

- 1.The Secretary to Government
Public Health & Family Welfare Department
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- 2.The District Collector
Thiruvannamalai District.
- 3.The Director
The Public Health and Preventive Medicine,
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S.M.SUBRAMANIAM, J.

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