

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.NO.28877 OF 2017
AND
W.M.P.NO.31091 OF 2017

1. Bhavani
2. Veeramani
3. Rahini
4. Pushpalatha ... Petitioners

.Vs.

1. The Secretary to Government,
Health & Family Welfare Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
2. The Commissioner of Indian Medicine & Homeopathy,
Chennai - 600 106.
3. The Managing Director,
National Rural Health Mission,
Chennai.
4. The District Siddha Medical Officer,
Nagapattinam District,
Nagapattinam. ... Respondents

PRAYER:-

Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to absorb and regularize the Petitioners working as multipurpose workers under the National Health Mission Scheme as per G.O.Ms.No.848 dated 20.08.2014 issued by the First Respondent.

For Petitioners : Mr.N.Suresh and Mr.D.Vasanth

For Respondents : Mr.M.R.Gokulakrishnan
Additional Government Pleader

O R D E R

Heard Mr.N.Suresh and Mr. D.Vasanth, Learned Counsel for the Petitioners and Mr.M.R.Gokulakrishnan, Learned Additional Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the Respondents to absorb and regularize the Petitioners working as multipurpose workers under the National Health Mission Scheme as per G.O.Ms.No.848, Health and Family Welfare (IM2-1) Department dated 20.08.2014 issued by the First Respondent.

3. Since required particulars have not been furnished in respect of the Second Petitioner to examine the entitlement of the relief sought, Learned Counsel for the Petitioners seeks permission of the Court to withdraw this Writ Petition with liberty to file fresh Writ Petition with proper details and he has also made an endorsement to that effect in the court record. In view of the same, the Writ Petition is dismissed as withdrawn granting such liberty as against the Second Petitioner.

4. Insofar as the First, Third and Fourth Petitioners are concerned, Learned Counsel for the Petitioners states that they are entitled for the benefit of G.O. (D) No. 848, Health and Family Welfare (IM2-1) Department dated 20.08.2014 issued by the Government of Tamil Nadu and that they have made representations dated 25.09.2017 to the Fourth Respondent in that regard and they would be satisfied if the benefit granted to a person similarly placed to them by the Division Bench of this Court in C.Durairaj -vs- State of Tamil Nadu (Order dated 27.09.2018 in W.A.No.2152 of 2018) is extended to them in this case.

5. Having regard to the limited nature of relief sought, this Court without expressing any view on the correctness or entitlement of the claim made by the Petitioners, passes the following order:-

- (i) it shall be incumbent upon the concerned authority to immediately examine the representations dated 25.09.2017 made by the First, Third and Fourth Petitioners with reference to the decision of the Division Bench of this

Court in C.Durairaj -vs- State of Tamil Nadu (Order dated 27.09.2018 in W.A. No. 2152 of 2018);

- (ii) if it is found that any details or supporting documents satisfying the eligibility criteria for the benefits claimed had not been produced, the deficiencies in that regard shall be informed in writing to the First, Third and Fourth Petitioners requiring the same to be furnished within a time frame of not less than 15 clear working days in that regard;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the First, Third and Fourth Petitioners to explain their position in that regard and a reasoned order shall be passed by 30.09.2022 dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment;
- (iv) the report of completion of the aforesaid exercise shall be filed before the Registrar (Judicial) of this Court.

In fine, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vjt

To

1. The Secretary to Government,
Health & Family Welfare Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
2. The Commissioner of Indian Medicine & Homeopathy,
Chennai - 600 106.
3. The Managing Director,
National Rural Health Mission,
Chennai.

4. The District Siddha Medical Officer,
Nagapattinam District,
Nagapattinam.

Copy To:-

The Registrar (Judicial),
High Court, Madras - 104.

+1cc to Mr.N.Suresh, Advocate, S.R.No.40875
+1cc to the State Government Pleader, S.R.No.40096

W.P.NO.28877 OF 2017

CA(CO)
PBS/11/07/2022