



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.16757 of 2019

WEB COPY

A.Mahalingam

... Petitioner

vs.

1.The Joint Director
Medical and Rural Health Service
and Family Welfare
Ramanathapuram

2.The Medical Officer
Government Hospital
Thiruvadanai
Ramanathapuram District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records connected with the impugned order passed by the first respondent in Na.Ka.No.3711/Ni-2/2019, dated 16.07.2019 and to quash the same and consequently direct the first respondent to regularize the service of the petitioner as Sanitary Worker with all other monetary and service benefits on completion of three years of service from the initial date of appointment on 30.08.2005 in terms of G.O.Ms.No.385, Finance (Salary) Department, dated 01.10.2010 and in the light of the Judgment of this Court reported in 2012 (1) MLJ 240, dated 12.10.2011.

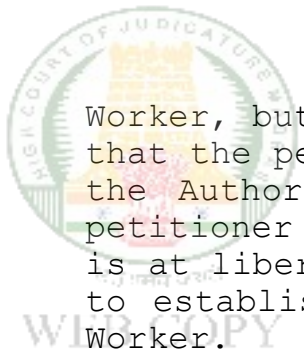
For Petitioner : Mr.S.Govindan

For Respondents : Mr.M.Ramesh, Additional Government Pleader

O R D E R

The relief sought for in this writ petition is to quash the order dated 16.07.2019, issued by the first respondent, rejecting the claim of the petitioner for regularization of his services. However, the learned counsel for the petitioner, while advancing arguments, confined the relief sought for in the writ petition only to consider the grant of special time scale of pay as per the Government Orders in force.

2. The petitioner is now working as Sanitary Worker on temporary basis. The learned counsel for the petitioner made a submission that the petitioner is continuously working as Sanitary



Worker, but the respondents are denying the said fact and contending that the petitioner is not continuously working. However, it is for the Authority competent to verify the service particulars of the petitioner regarding the disputed facts. More over, the petitioner is at liberty to submit all the documents to the Authority competent to establish that he is working continuously as temporary Sanitary Worker.

3. The Government has issued G.O.Ms.No.385, Finance (Salary) Department, dated 01.10.2010, granting special time scale of pay to daily wage employees or the employees working on consolidated pay. When the Government has issued an order granting special time scale of pay or consolidated pay in respect of the temporary employees, and the benefit of the said Government Order should be extended to all the employees, who are all complying with the norms stipulated in the Government Order.

4. The learned counsel for the petitioner, by confining the relief sought for in this writ petition, submits that the petitioner is entitled to special time scale of pay as per G.O.Ms.No.385, dated 01.10.2010.

5. In view of the facts and circumstances, the petitioner is at liberty to submit all the documents available with him to establish his case to the first respondent and thereafter, the first respondent is directed to call for the available records from the Authorities competent and consider the case of the petitioner for grant of special time scale of pay in accordance with the Government Order issued in G.O.Ms.No.385, Finance (Salary) Department, dated 01.10.2010. Such exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (P&A)

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/ /2022

Sub Assistant Registrar(CS)

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To:

1.The Joint Director,
Medical and Rural Health Service
and Family Welfare,
Ramanathapuram.



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2.The Medical Officer,
Government Hospital,
Thiruvadanai,
Ramanathapuram District.

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+1 CC to M/s.SPL GP (SR-6552[F] dated 16/02/2022)

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MGJ(03.03.2022) 3P 4C