



WP.No.33948 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 02.02.2023

Coram:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. No.33948 of 2013

M.Rajeswari
W/o Kajendran

... Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu
Public Health and Family Welfare Department
Fort St.George
Chennai – 600 009.

2.The Director
Public Health and Preventive Medicine
DMS Compound
Teynampet
Chennai.

3.The Deputy Director
Health Services and Family Welfare
Thiruvarur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent in connection with his proceedings in O.Mu.No.13834/Aa.Su.Ni.7/A3/2013 dated 13.03.2013 and quash the same and consequently direct the respondents to regularize the service of the

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petitioner w.e.f., the initial date of appointment in the light of the judgment dated 24.01.2008 in W.P.No.4101 of 2007 confirmed in order dated 26.11.2010 in W.A.No.2414 of 2010 and grant all consequential monetary and service benefits.

For Petitioner : Ms.T.Aananthi
For Respondents : Mr.Abishek
Government Advocate

ORDER

The Writ Petition has been filed, for issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent in connection with his proceedings in O.Mu.No.13834/Aa.Su.Ni.7/A3/2013 dated 13.03.2013 and quash the same and consequently direct the respondents to regularize the service of the petitioner w.e.f., the initial date of appointment.

2.The petitioner was appointed as Sanitary Worker/Sweeper on consolidated pay and her appointment was through the Employment Exchange. But her service was not regularised till date. The petitioner earlier filed in W.P.Nos.16213 of 2007 and 15173 of 2021, whereby this Court directed the respondents, to consider the representation of the

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petitioner, within a period of three months.

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3.The learned counsel for the petitioner would submit that initial appointment of the petitioner has been made through Employment Exchange and she is fully qualified to hold the post of Sanitary Worker. Though the petitioner has completed more than 20 years of service, her service was not regularised. She would further submit that similarly placed persons as like the petitioner have filed Writ Petition before the Madurai Bench of this Court in W.P.No.11707 of 2006 and the same was allowed and in W.A. (MD).No.391 of 2007 dated 25.10.2007, order of the learned Single Judge was confirmed. She would further rely upon the decision of this Court rendered in W.A.No.2414 of 2010 dated 26.11.2010, wherein, it has been held as follows:-

“When the matter came up for admission today, the learned Government Advocate representing the appellants submitted that the issue involved in this writ appeal is covered by a judgment of a Division Bench of this Court in W.A.No.75291 of 2009, wherein the order of the learned Single Judge directing the authorities to regularise the services of one Dhanapoosanam, was



confirmed and the Special Leave Petition preferred by the Director of School Education as against the said order was also dismissed and accordingly, the Government passed orders granting sanction for regular appointment of the petitioner therein, who was working as Part time Sweeper.”

4.The learned Government Advocate appearing for the respondents would submit that the order impugned in this writ petition is not at all a rejection order and it would be suffice, if a direction is issued to the respondents 1 and 2 to regularise the service of the petitioner.

5.Heard both sides and perused the materials available on record.

6.Considering the facts and circumstances of this case, submissions made by the learned Government Advocate appearing for the respondents, this Court directs the 1st respondent to regularise the service of the petitioner from the date of her initial appointment and grant all consequential benefits, within a period of four weeks from the date of receipt of a copy of this order.



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WEB COPY 7. With the above direction, this writ petition stands allowed. No costs. Consequently connected miscellaneous petition is closed.

02.02.2023

Jer

Index: Yes/No

Speaking Order: Yes/No

Neutral citation: Yes/No

To

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