



W.P.(MD)No.2060 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:04.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.2060 of 2020

P.Sivasubramanian

... Petitioner

Vs.

1. The Secretary to Government,
Health and Family Welfare Department,
Fort St.George,
Chennai- 600 009.
2. The Director of Public Health and
Preventive Medicine,
DMS Compound,
Anna Salai,
Chennai-600 006.
3. The Project Director,
Reproductive and Child Health Project,
DMS Compound,
Chennai-600 006.
4. The Deputy Director of Health Services,
Gandhiji Road,
Thanjavur.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay the arrears of salary to the petitioner within a stipulated time.

For Petitioner : Mr.A.S.Karikalan
For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

ORDER

This writ petition has been filed for a direction to the respondents to pay the arrears of salary to the petitioner within a stipulated time.

2. The case of the petitioner is that she joined duty as a Sweeper in Thondarampattu Government Primary Health Centre at Thanjavur in compliance with the order passed by the fourth respondent, dated 10.08.2015. However, so far salary was not paid to her. Hence, the petitioner has filed this writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if the fourth respondent is directed to pay the eligible arrears of salary to the petitioner, within a specified period.



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4. The learned Additional Government Pleader appearing for the respondents would submit that by following the instructions 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 letter No.31791/PHC&/A3/2017, dated 29.05.2018, for allotment of funds to the tune of Rs.3325.17/- lakhs for the financial year 2017-2018 towards the salary component of 3140 Reproductive and Child Health Sanitary Workers. Subsequently, by following the instructions of the Mission Director, State Health Society, the Director of Public Health and Preventive Medicine, has requested the Government to sanction a sum of Rs.67.46 crores for the financial year 2017-2018 & 2018 – 2019 towards the payment of salaries to the entire 3140 Sanitary Workers under State Funds. Further in the Government Letter No.14037/AB1/2019-2, Health and Family Welfare Department, dated 19.08.2019, it was informed that the above said proposal is still under examination of the Government and prays for appropriate orders.



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5. Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents and perused the materials produced before this Court.

6. A perusal of the counter affidavit reveals that a proposal has been addressed to the Mission Director, National Health Mission vide letter No.31791/PHC&/A3/2017, dated 29.05.2018, for allotment of funds to the tune of Rs.3325.17/- lakhs for the financial year 2017-2018 towards the salary component of 3140 Reproductive and Child Health Sanitary Workers. Till date, the said proposal is under examination of the Government and the Government had not taken any decision in this matter.

7. In view of the above, this Court directs the first and second respondents, to pass orders with regard to implementation of G.O.(D).No.792 Health and Family Welfare (AB2) Department, dated 05.04.2017, for sanction of funds for the purpose of paying salary to the Sweepers and Sanitary Workers. Such exercise shall be completed



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within a period of twelve weeks from the date of receipt of a copy of this order.

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

04.01.2023

PM
NCC:Yes/No
Index:Yes/No

To

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M.DHANDAPANI,J.

pm

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