



W.P.(MD).No.8722 of 2023

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.8722 of 2023

and

W.M.P.(MD).No.7992 of 2023

S.Somasundari

... Petitioner

Vs.

1.The Principal Secretary of
Health and Family Welfare Department Secretariat,
Chennai – 600 009.

2.The Director,
Health and Family Welfare Department Secretariat,
Chennai.

3.The Member Secretary/
Deputy Director of Medical Services (TB),
Tirunelveli District @ Tenkasi.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to regularize the petitioner's service as TB Health Visitor under the Respondent Department as regularized of service of other persons on the basis of G.O.Ms.No.22 dated 28.02.2006 issued by Personnel & Administrative Reforms (F) Department.



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For Petitioner : Mr.S.M.Mohan Gandhi

For Respondents : Mr.T.Villavan Kothai,
Additional Government Pleader.

ORDER

This Writ Petition is filed for Mandamus, directing the respondents to regularize the petitioner's service as TB Health Visitor under the Respondent Department on the basis of G.O.Ms.No.22 issued by Personnel & Administrative Reforms (F) Department dated 28.02.2006.

2. The learned counsel appearing for the petitioner submits that the petitioner was appointed as a TB Health Visitor by the third respondent vide appointment order dated 26.12.2007 on consolidated salary of Rs.6,000/- and she has served for the past 16 years. The respondents without regularizing her service extracted work from her. Moreover, the respondents have regularized of service of several persons based on the said G.O. hence the petitioner is entitled to be regularized.



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3. On perusing the appointment order, it is stated that the petitioner was engaged on contractual basis and she will not get any probationary right or claiming any legal rights with regard to extension of appointment beyond the contract period and the appointment is likely to be terminated at any time without issuing any reason. Having accepted the appointment order, now the petitioner is seeking to regularize her service by invoking G.O.Ms.No.22 Personnel and Administrative Reforms (F) Department dated 28.02.2006. The said Government Order was issued to regularize the service of the daily wages employees who have rendered 10 years of service and the said G.O. is applicable to the employees who were recruited prior to the issuance of the G.O. However, the petitioner was recruited after issuance of the aforesaid G.O. Thereafter, the respondents have not formulated any policy decision to regularize such persons.

4. Therefore, this Court without expressing any opinion on merits directs the first respondent to consider the petitioner's case and pass orders within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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5. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

17.04.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

To

- 1.The Principal Secretary of
Health and Family Welfare Department Secretariat,
Chennai – 600 009.
- 2.The Director,
Health and Family Welfare Department Secretariat,
Chennai.
- 3.The Member Secretary/
Deputy Director of Medical Services (TB),
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S.SRIMATHY, J.

Nsr

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