



W.P. No.31829 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.07.2024

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.31829 of 2015

and

M.P. No.1 of 2015

G.Pushpa

... Petitioner

Vs.

1.The Secretary to Government,
Health and Family Welfare Department,
Fort St.George, Chennai-600 009.

2.The Director of Medical Education,
Kilpauk, Chennai-600 010.

3.The Principal,
Government Mohan Kumaramangalam,
Medical College Hospital, Salem.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records in pursuant to the impugned order issued by the 3rd Respondent in proceedings Na.Ka.No.8949/Ni3/2015 dated 16.09.2015 and quash the same and consequently direct the respondents to re-instate the petitioner by regularising the services with effect from the date of completion of 10 years of service and also to pay the arrears of daily wages of Rs.1,51,087/- for the period from January 2014 to September 2015 and grant other consequential service and monetary benefits.



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For Petitioner : Mr.R.Premnarayanan

For Respondents : Mr.Abishek Murthy
Government Advocate

ORDER

The writ petition is filed challenging the impugned order dated 16.09.2015 whereby the petitioner's service as a daily wage tailor stood terminated.

2. It is submitted by the learned counsel for the petitioner that the petitioner was initially appointed as a tailor at Government Mohan Kumaramangalam, Medical College Hospital, Salem. on 13.10.1993. The petitioner was appointed on daily wages in a permanent post and she had at that time passed 8th standard and lower and higher grade examination in needle works and dress making conducted by the Department of Government Examinations (Education) Government of Tamil Nadu.

3. It was submitted by the learned counsel for the petitioner that G.O.Ms.No.22 dated 28.02.2006 provide that daily wage employees who have completed 10 years are entitled for regularisation. Representation was



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made by the petitioner to regularise her services, however it is submitted that the above representations were not acted upon. Thereafter, the petitioner would submit that G.O.(Ms).No.74 dated 27.06.2013 was issued wherein the services of full time daily wage employees who had completed 10 years of services as on 01.01.2006 is entitled for regularisation. Thus the petitioner ought to have been regularised in terms thereof. Whiles, the petitioner's services were terminated vide the impugned proceedings dated 16.09.2015. It was submitted that during the pendency of the present writ petition, a representation dated 16.09.2015 was made for regularisation as well as for payment of daily wages for the period January, March, May to December 2014 and January to September 2015.

4. It is submitted that representations were submitted prior to and also during the pendency of the writ petition, however, no orders have been passed on the said representations.

5. To the contrary, it is submitted by the learned counsel for the



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Respondents by placing reliance on the counter that the petitioner was engaged on daily wage basis and was not appointed on the recommendations of the Employment Exchange, more importantly, the Director of Medical Education has already rejected the petitioner's application for regularisation on the premise that no tailor post has been sanctioned to the Government Mohan Kumaramangalam, Medical College Hospital, Salem. With regard to the petitioner's request for payment of the pending salary amount, it is stated in the counter that the petitioner has in fact been paid a sum of Rs.1,32,203/- towards stitching charges for the period May 2015 to June 2015 and that there are no amounts that are due to the petitioner.

6. It was also submitted that nothing may really survive as far as the prayer for regularisation is concerned inasmuch as the petitioner is now about 66 years old and thus the question of regularisation may not even arise. In any event, it was submitted by the learned counsel for the Respondents that insofar as the arrears if any due to the petitioner, it is open to the petitioner to make any representation, if any such representation is



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made, the same would be considered and if any amount is due to the petitioner, the same would be paid to the petitioner within a period of 8 weeks from the date of receipt of a copy of this order.

7. Recording the same, liberty is granted to the petitioner to submit a representation in case any daily wage is due within a period of 4 weeks from the date of receipt of a copy of this order. If any such representation is made, the same shall be enquired, if on enquiry any sums including daily wages is due to the petitioner, the same shall be disbursed within a period of 8 weeks from the date of receipt of the representation. The writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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MOHAMMED SHAFFIQ, J.

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To:

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