



W.P.(MD).No.557 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.557 of 2024

R.Sivalingam

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of Health and Family Welfare,
Secretariat, Chennai-9.
- 2.The Director,
Public Health and Preventive Medicine,
Teynampet, Chennai-6.
- 3.The Director,
Rural Health Services,
Teynampet, Chennai-6.
- 4.The Assistant Director,
Public Health and Preventive Medicine,
Karur-7,
Karur District.
- 5.The Block Medical Officer,
Primary Health Center,
Mazalaikoviloor, Karur District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to bring the petitioner's services under time scale of pay with effect from his appointment, date 02.07.2013 as per G.O.Ms.No.325 dated 20.11.2012, on the file of the 1st respondent by regularizing his services by considering his representation, dated 21.06.2023 and 06.11.2023 within a time stipulated by this Court.

For Petitioner : Mr.P.Bhaskar

For Respondents : Mr.R.Raghavendran
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the 1st respondent to bring the petitioner's services under time scale of pay with effect from his appointment, date 02.07.2013 as per G.O.Ms.No.325 dated 20.11.2012, on the file of the 1st respondent by regularizing his services by considering his representation, dated 21.06.2023 and 06.11.2023 within a time stipulated by this Court.

2. The petitioner was appointed as a Hospital Worker during the year 2013 vide proceedings, dated 02.07.2013 by the 4th respondent upon interview and employment exchange seniority on contract basis and daily wage was



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granted as per the proceedings of the District Collector, Karur. The said appointment was made vide G.O.Ms.No.325 Health and Family Welfare Department, dated 20.11.2012 for a period of one year extendable upto a period of 5 years. Presently, the petitioner is deputed to the office of Assistant Director, Public Health and Preventive Medicine, Karur. Similarly placed person like the petitioner has filed ***W.P.No.1093 of 2021 (V.Maheswari Vs. The Principal Secretary to the Government, Public Health and Family Welfare Department & Others)*** before the Principal Seat of this Court with respect to the matter of regularization of service, who was appointed vide G.O.Ms.No.325 Health and Family Welfare Department, dated 20.11.2012 and completed 10 years of service. The petitioner has also completed 10 years of service and hence, he made a representation on 21.06.2023 seeking regularization of his service and last of such representation was on 06.11.2023. However, the same was not considered. Hence, this writ petition came to be filed.

3. The 4th respondent has filed a counter and the learned Government Advocate submitted that the appointment of Multi Purpose Hospital Worker was on contract basis as well as daily wages mode and the same is a policy



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decision of the Government. Hence, the claim of regularization cannot be considered and pressed for dismissal of the writ petition.

4. Heard the learned counsels on either side and perused the materials available on record.

5. This Court in ***W.P.No.1093 of 2021 (V.Maheswari Vs. The Principal Secretary to the Government, Public Health and Family Welfare Department & Others)***, dated 25.09.2023 wherein the case of similarly placed person was considered and this Court has passed an order in favour of the petitioner therein. The relevant portion of which is extracted as follows:

“14. The respondent having extended and extracted the service from the petitioner beyond the period of 5 years cannot deprive the legitimate right of regularisation as contemplated in para 2 clause (vi) of the above Government Order stated Supra. It is the duty cast upon the respondents to regularise the services as per the Government Order and rejecting or denying regularisation to the petitioner is in gross violation of the Government order. The respondents are bound to follow the Government order and they cannot deviate from the same under any circumstances since the same is binding on the respondents.



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15. In view of the above factual matrix of the case and in the light of the order passed by the Division Bench of this Court in W.A.No.1458 of 2019 dated 20.01.2023 and order passed by the learned Single Judge of this Court in W.P.No.4343 of 2020 dated 25.02.2020, this Court is of the considered view that the impugned order passed by the 1st respondent in Letter No.6745/AB1/2020-2 dated 29.08.2020 is liable to be quashed and the same is hereby quashed.”

6. I am fully in consonance with the order passed by this Court in the aforesaid case and hence, without going into the merits of the case, this Court hereby direct the respondents to consider the representations of the petitioner, dated 21.06.2023 and 06.11.2023 in the light of the order passed by this Court in W.P.No.1093 of 2021, dated 25.09.2023. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of copy of this order.

7. With the above said observations, this Writ Petition stands disposed of. No costs.

24.01.2024

NCC : Yes / No
Index : Yes / No



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: Yes/ No

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To

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Represented by its Secretary,
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Secretariat, Chennai-9.
- 2.The Director,
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L.VICTORIA GOWRI, J.

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