



W.P.(MD).No.2527 of 2024

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 06.02.2024**

**CORAM**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD).No.2527 of 2024**

S.Shanmugam

... Petitioner

Vs

1. The State of Tamil Nadu,  
Represented by its Additional Chief Secretary,  
Health and Family Welfare Department,  
Fort St. George, Chennai -9.
2. The Director of Public Health and Preventive Medicine,  
Directorate of Public Health and Preventive Medicine,  
359, Anna Salai, Chennai - 6.
3. The Deputy Director of Health Services,  
Race Course Road,  
Trichy - 20.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent No.1 to pass orders on the proposal submitted by the respondent No.2 vide Na.Ka. No.41898/Pa.Tho3/Eru3/1999, dated 06.01.2024 and disburse the monetary benefits to the petitioner in the post of Sweeper with effect from 01.06.1991



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along with other consequential benefits including arrears within the time period stipulated by this Court.

For Petitioner : Mr. S.Rajasekar

For Respondents : Mr.C.Baskaran  
Government Advocate

### **ORDER**

The present writ petition has been filed seeking a direction to the respondent No.1 to pass orders on the proposal submitted by the respondent No.2 vide Na.Ka. No.41898/Pa.Tho3/Eru3/1999, dated 06.01.2024 and disburse the monetary benefits to the petitioner in the post of Sweeper with effect from 01.06.1991 along with other consequential benefits including arrears within the time period stipulated by this Court.

2.By consent of both parties and considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents. Perused the materials on record.



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4.(i).The petitioner was appointed as Sweeper on compassionate ground at Panchayat Union Dispensary, Pulivalam, Trichy District on 31.07.1989 by the Commissioner, Panchayat Union, Musiri. He was erroneously appointed in contingency vacancy and paid a sum of Rs.18/- per month. Though the petitioner was entitled for regular time scale of pay, due to the error committed by the authorities at the time of his appointment, he was deprived of regular time scale of pay.

(ii).In the meanwhile, 43 Panchayat Unions, Dispensaries were upgraded as Primary Health Centres and brought under the control of the 2<sup>nd</sup> respondent vide G.O.Ms.No.435, Health, Indian Medicine & Homeopathy and Family Welfare Department, dated 21.03.1991. Even thereafter, the petitioner was not paid with regular time scale of pay. Hence, he made several representations to the respondents seeking regular time scale of pay with effect from 01.08.1989.

(iii).In view of his representation, the second respondent has forwarded a proposal to the first respondent seeking to regularize the petitioner's service from 01.06.1991, vide letter, dated 18.05.2016. Pursuant to the same, the first respondent issued a letter, dated 17.03.2017, by which, it was instructed that it would be appropriate to regularize the petitioner's service in



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the post of Sweeper in the Primary Health Centre with effect from 01.06.1991 and regularize his post of Sweeper with effect from 01.08.1989 as per the Tamil Nadu Panchayat Union Service Rules.

(iv).In view of the same, the Block Development Officer, Musiri vide proceedings, dated 13.08.2018, regularized the petitioner's service in the post of Sweeper as per Tamil Nadu Panchayat Union Service Rules with effect from 01.08.1989. However, the petitioner has been regularized only under the Tamil Nadu Panchayat Union Service Rules, it is necessary that his service should be regularized under the Tamil Nadu Medical Subordinate Rules, since the Dispensary, where the petitioner was working was upgraded as Primary Health Centre under the Health and Family Welfare Department.

(v).In this regard, due proposals were sent by the third respondent seeking declaration of petitioner's probation in the post of Sweeper with effect from 31.07.1991 and to grant consequential monetary benefits with effect from 01.08.1989 and the same was forwarded by the second respondent to the first respondent and the same is pending without any consideration. Hence, this petition came to be filed.



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5.Considering the limited scope of the relief sought for by the petitioner, without going into the merits of the case, this Court hereby direct the first respondent to consider the proposal submitted by the second respondent, dated 06.01.2024 and pass appropriate orders in accordance with law, within a period of eight (8) weeks, from the date of receipt of a copy of this order.

6.With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

**06.02.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes  
**PNM**

To

1. The Additional Chief Secretary,  
Health and Family Welfare Department,  
Fort St. George, Chennai -9.
2. The Director of Public Health and Preventive Medicine,  
Directorate of Public Health and Preventive Medicine,  
359, Anna Salai, Chennai - 6.
3. The Deputy Director of Health Services,  
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**L.VICTORIA GOWRI, J.**

PNM

**ORDER IN**  
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