



W.P.(MD).No.2889 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2889 of 2024

K.Murugayi Murugesan

...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,
Panjapatti,
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 her 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 the petitioner's services by considering her representation dated 21.06.2023 within a time stipulated by this Court.

For Petitioner : Mr.P.Bhaskar

For Respondents : M/s.S.Shaji Bino
Special Government Pleader

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 her appointment, dated 02.07.2013 as per G.O.Ms.No.325 dated 20.11.2012, on the file of the 1st respondent by regularizing the petitioner's services by considering her representation dated 21.06.2023 within a time stipulated by this Court.



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2. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner was appointed as a hospital worker during the year 2013, vide proceedings of the 4th respondent dated 02.07.2013. She was sponsored by the employment exchange and duly called for interview by the 4th respondent and thereafter, she was appointed on contract basis on daily wage basis as per the proceedings of the District Collector, Karur. She is a destitute widow and she continued her service even during Covid-19 period of the year 2020 and 2021 and has completed 10 years of service as on July 2023. The petitioner along with similarly placed persons have made individual representations to the respondents seeking regularization of their services on completion of 10 years. Since the same was not considered by the respondents, this writ petition came to be filed.

3. The 4th respondent has filed a counter and the learned Special Government Pleader submitted that absorption of RCH Sanitary Workers in the vacant posts of multi purpose hospital workers is not connected to the regularization of multi purpose hospital workers, who were appointed through



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employment exchange on contract basis. The appointment of multi purpose hospital workers on a contract basis as well as daily wages is a policy decision of the Government and the same cannot be interfered with. Hence, the claim of regularization made by the petitioner cannot be considered and pressed for dismissal of the writ petition.

5. Heard, the learned Counsels on either side. Carefully perused the materials available on record.

6. 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 dealt with the case of similarly placed persons and has passed an order in favour of the petitioners 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



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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.

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.”

7. 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 and pass appropriate order in accordance with law. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of copy of this order.



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8. Accordingly, this Writ Petition stands disposed of. No costs.

15.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

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,
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L.VICTORIA GOWRI, J.

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