



W.P.(MD) No.701 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 27.02.2024

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THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.701 of 2021

Kamatchy

... Petitioner

Vs.

1.The Director

(General Health and Prevention of Diseases),
Chennai - 6.

2.The Deputy Director(General Health),
Thanjavur 613101.

3.The Block Medical Officer,
Govt. Primary Health Center,
Neducauveri - 613101,
Thanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the 1st respondent issued proceedings in Na.Ka.No.143550/MRep-7/m3/2006 dated 12.04.2019 and to quash the same as illegal and contrary and consequently to direct the 1st respondent to pass necessary orders for regularizing petitioner's job within the time frame as fixed by this Court.



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For Petitioner : Mr.A.R.Sethupathy
For Respondents : Mr.D.Sasikumar
Additional Government Pleader

ORDER

This Writ Petition is filed to quash the proceedings issued by the 1st respondent in Na.Ka.No.143550/MRep-7/m3/2006, dated 12.04.2019, where the claim of the petitioner for regularizing of her service as Sweeper in the office of the third respondent is rejected on the ground that there is no sanctioned post of Sweeper for regularizing the service of the Petitioner.

2. It is the case of the petitioner that she was appointed as Sweeper by the third respondent by order dated 01.02.1987 on consolidated pay of Rs.1,000/- and continued in the said post till the date of her superannuation on 31.07.2018. Though the proposal for regularizing the service of the petitioner was forwarded in the year 1999, it is stated to have not been considered by the respondents. Under those circumstances, the Petitioner approached this Court by filing Writ Petition in W.P.(MD)No.22771 of 2016 and this Court by order dated 29.11.2016, directed the respondents to pass



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appropriate orders and the proposal submitted for regularization of the service of the petitioner. Pursuant thereto, the respondents have considered the claim of the petitioner and issued the impugned proceedings dated 12.04.2019, in Na.Ka. No.143550/ Mrep-7/m3/2006. It is not the case of the petitioner that she was appointed in a sanctioned post. However, it is contended that the petitioner was working as Sweeper continuously for a period of 30 years and hence, it is deemed that it is a sanctioned post and her service has to be regularized.

3. As seen from the impugned order as well as the counter affidavit filed before this Court, it is noticed that the appointment of the petitioner as Sweeper is not after following the procedure as contemplated under law and it is specifically contended that the petitioner was appointed only as a part time Sweeper, but not as a regular Sweeper and there is no sanctioned post of regular Sweeper in the office of the third respondent. Therefore, there is no scope for regularizing the service of the petitioner, from the date of appointment.



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4. Nothing has been brought to the notice of this Court in support of the case of the petitioner to seek regularization nor any scheme which provide for regularization. Further, the petitioner has approached this Court only in the year 2021, though she retired from service as early as on 31.07.2018. For this reason also, the petitioner is not entitled to the relief sought for in the Writ Petition.

5. In the light of the above, this Court does not find any merits in this Writ Petition and the same is accordingly dismissed. There shall be no order as to costs.

NCC : Yes/No

Index : Yes/No

Internet : Yes

LS

To

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MUMMINENI SUDHEER KUMAR, J.

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