



W.A(MD)No.198 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.09.2024

CORAM :

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A(MD)No.198 of 2024
and
CMP(MD)No.1704 of 2024**

1. The Director,
Medical and Rural Health Services
and Family Welfare,
Chennai-6.

2. The Joint Director,
Medical and Rural Health Services
and Family Welfare,
Ramanthapuram.

3. The Medical Officer,
Government Hospital,
Thiruvadanai,
Ramanathapuram District.

... Appellants

VS.

A.mahalingam

... Respondent

Prayer : Appeal filed under Clause 15 of Letters Patent Act, against
the order made in W.P(MD)No.5091 of 2023 dated 07.06.2023.



W.A(MD)No.198 of 2024

For Appellants : Mr.S.R.A.Ramachandran
Additional Government Pleader
For Respondent : Mr.S.Govindan

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JUDGMENT

(Judgment of the Court was made by **R.SUBRAMANIAN, J.**)

The department is on appeal aggrieved by the order of the Writ Court dated 07.06.2023 made in W.P(MD)No.5091 of 2023.

2. The brief facts that led to the filing of the appeal is as follows:

The respondent / writ petitioner was appointed as a Sanitary Worker, allegedly on outsourcing basis, on 24.08.2005 in the vacancy that existed in the Thiruvadanai Government Hospital. The petitioner claimed regularisation and filed a writ petition in W.P(MD)No.16757 of 2019. At the hearing of the writ petition, counsel for the petitioner submitted that he would confine the relief to grant special time scale of pay as provided in G.O.Ms.No.385, Finance (salary) Department dated 01.10.2010. The said submission of the counsel was recorded by the Court and the petitioner was given liberty to apply afresh. Thereafter, the petitioner applied to the authority and the request was rejected by orders dated 18.08.2022 and



W.A(MD)No.198 of 2024

15.09.2022. These orders were impugned in the writ petition. Though a

plea was raised before the Writ Court to the effect that the petitioner is not serving at present at the hospital in question and his services were terminated as early as in 2012, the said claim was found to be false, inasmuch as the In-charge Medical Officer of Government Hospital, Thiruvadanai, conceded before the learned Judge that the petitioner has been serving as a scheme worker even on the date of hearing of the writ petition. The Writ Court considered the claim of the petitioner in the light of the prevailing situation where the petitioner was working in the hospital as a scheme worker and concluded that though he is a scheme worker drawing a daily wages, he would be entitled to the benefit of G.O.Ms.No. 385, Finance (salary) Department dated 01.10.2010. The Writ Court had extracted G.O.Ms.No.385 in it's order. We, therefore, do not propose to reproduce it here.

3. A reading of the said Government Order very clearly confers the benefit of special time scale of pay on Sanitary Workers who are working on daily wages or on consolidated pay in Government offices or local bodies. Therefore, once it is conceded that the petitioner has been working as a scheme worker in the very same hospital, though he was



W.A(MD)No.198 of 2024

removed from service as outsourced worker in the year 2012, the petitioner

would be entitled to the benefit of G.O.Ms.No.385. The benefits have also been granted only from the year 2019. We, therefore, do not see any reason to interfere with the order of the Writ Court. The Writ Appeal fails and it is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M, J.) (L.V.G, J.)

19.09.2024

Index : Yes / No
Neutral Citation : Yes / No
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