



WEB COPY



WA No. 2959 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-10-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.A No. 2959 of 2025 AND

CMP NO. 23835 OF 2025

1. State of Tamil Nadu
The Principal Secretary to Government Health and
Family Welfare Department Secretariat, Chennai
600 009
2. The Director
Directorate of Public Health and Preventive
Medicine (DPHS) No. 359, Anna Salai, DMS
complex, Teynampet Chennai 600 006
3. The Deputy Director Health Service
Office of Deputy Directorate of Health Service,
Chengalpattu HUD, No. 17, Periyar Road, J C K
Nagar Chengalpattu 603 001

..Appellants

Vs

S Madhan
S/o. Sarangan, No. 7/105 New Street, Soonambedu,
Cheyyur , Chengalpattu 603 304

..Respondent

Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the
Order dated 18.12.2023 made in WP No. 4971 of 2023.



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For Appellants : Ms.M.Sneha, Special Counsel for
Health and Family Welfare Department

For Respondent : S.Vijayakumar

Judgment

(Judgment of the Court was delivered by R.Suresh Kumar J.)

This writ appeal has been directed against the order passed in W.P.No.4971 of 2023 by the learned Writ Court vide its order dated 18.12.2023.

2. In fact the said order dated 18.12.2023 is a common order passed in many number of writ petitions, where the termination or proposed termination of the services of various employees who had been working either as Hospital Workers or Sanitary Workers, Mazdoors or Sweepers, otherwise called as Multipurpose Hospital Workers were sought to be removed. Those show cause notices as well as termination orders were under challenge in the said batch of writ petitions by various employees like the present respondent / writ petitioner and all those writ petitions were heard together and disposed of by a common order dated 18.12.2023, whereby the learned Writ Court allowed all those writ petitions.



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3. Against the said common impugned order, at least in respect of one writ petition ie., W.P.No.12493 of 2023, an intra Court appeal has been filed in W.A.No.3633 of 2024, which came to be decided by the Division Bench of this Court by order dated 28.01.2025, wherein one of us (R.Suresh Kumar, J.) was a party. Ultimately, the Division Bench considering all the aspects projected before it has come to the conclusion that the writ appeal deserved to be dismissed and accordingly dismissed the same by judgment dated 28.01.2025.

4. Though an attempt has been made by Ms.M.Sneha, learned Special Counsel for the appellant Department to distinguish the present appeal insofar as the factual matrix of the present writ petitioner / respondent herein alone as if that this writ petitioner has not been absorbed subsequently whereas other writ petitioners were absorbed including the petitioner in W.P.No.12493 of 2023, we are not impressed with the said submission made by the learned counsel for the simple reason that, the issue was raised, considered and decided by the Writ Court in the said batch of writ petitions through the impugned order dated 18.12.2023, where the proposal made by the Department to terminate the services of such employees by issuing show cause notices as well as termination orders



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issued in this regard by the appellant Department for want of proper appointment order or proper fixing of pay scale, in view of G.O.Ms.No.325, Health and Family Welfare Department dated 20.11.2012 whether was correct or not, having been considered and decided in favour of the employees, we cannot take a different view than the one already taken by a Division Bench.

5. Resultantly, this writ appeal also has to face the same fate as that of W.A.No.3633 of 2024 and deserves to be dismissed. Accordingly, the writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K.,J.) (H.C.,J.)
10-10-2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KST



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To
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AND
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