



W.P.No.37995 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 20.03.2025

CORAM

THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

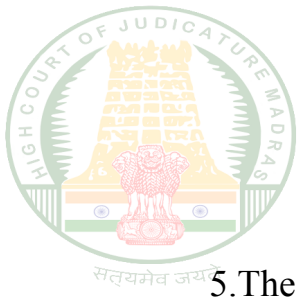
W.P.No.37995 of 2024
and
W.M.P.Nos.41090 & 41091 of 2024

- 1.R.Narayanan
- 2.C.Lakshimi
- 3.E.Uma
- 4.G.Arul
- 5.Thanigachalam

.. Petitioners

Vs.

- 1.The Secretary to Government of Tamil Nadu,
Health & Welfare Department,
Fort St.George, Chennai – 600 009.
- 2.The Director of Public Health & Preventive Medicine,
DMS Compound, Chennai.
- 3.The District Health Officer,
Cheyyar, Tiruvannamalai District.
- 4.The Deputy Director of Health Services,
Cheyyar, Tiruvannamalai District.



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5. The District Collector,
Tiruvannamalai District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 3rd respondent dated 27.11.2024 in Na.Ka. No.4873/ E4/ 2023-2, Na.Ka. No.4873/ E4/ 2023-6, Na.Ka. No.4873/E4/ 2023-7, Na.Ka. No.4873/E4/ 2023-1 and Na.Ka. No.4873/E4/ 2023-5 and quash the same in so far as the petitioners alone and consequently to direct the 3rd and 4th respondents to permit the petitioners to continue as Multipurpose Health workers on daily wages as fixed by the 5th respondent along with the arrears of pay and other eligible benefits with effect from 01.12.2024 till the services of the petitioners in the category of sanitary worker are regularized by the 1st respondent with effect from date their initial absorption (01.03.2009, 01.03.2008, 01.04.2008, 01.05.2009 and 01.08.2007) and then in the post of Multipurpose Health worker are regularized by the 1st respondent with effect from the date of their initial absorption (01.03.2024, 01.03.2024, 02.01.2024, 31.10.2023 and 31.10.2023) with all consequential eligible benefits

For Petitioner : Mr.P.I.Thirumoorthy

For Respondents : Mr.M.Bindran
Additional Government Pleader



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ORDER

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Mandamus, seeking the records relating to the proceedings of the 3rd respondent/the District Health Officer, Cheyyar, Tiruvannamalai District, dated 27.11.2024 and quash the same in so far as the petitioners are concerned and direct the 3rd and 4th respondents to permit the petitioners to continue as Multipurpose Health workers on daily wages as fixed by the 5th respondent/the District Collector, Tiruvannamalai District. The petitioners also seek that the arrears of pay and other eligible benefits must be paid to them on and from 01.12.2024.

2. There are five writ petitioners. Among the five petitioners, 2 – 5 writ petitioners, namely, C.Lakshimi, E.Uma, G.Arul, P.Thanigachalam, along with 50 other individuals had earlier filed W.P.No.22146 of 2019 in the nature of Mandamus seeking a direction against the 1 - 5 respondents therein, who incidentally are the 1 - 5 respondents herein to grant benefits to the petitioners on the basis of G.O.(D) No.792, Health and Family Welfare and also extend all other service and monetary benefits. The learned Single



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Judge of this Court while examining that particular writ petition had

observed and held as follows:

5. The Government order is intended to grant monetary benefits in terms of the Minimum Wages Act. Accordingly, the Director of Public Health and Preventive Medicines is empowered to fix the wages for 3140 Sanitary Workers sanctioned in the Government orders during various periods. Though the Government order was issued in the year 2017, no financial sanction was accorded by the Government till today. There is no reason for such an enormous delay in extending the monetary benefits to these Class-IV employees, who all are engaged for a fixed monthly salary. The monthly salary of Rs.1,500/- is very meagre and unreasonable in comparison with the Cost Index prevailing as of now and therefore, the Government has to consider the plight of all these employees and implement the orders in G.O.(D).No.792, Health and Family Welfare (AB1) Department dated 05.04.2017. Since the National Health Mission Funds are not sanctioned by the Government of India, the Director of Public Health has addressed the issues to the 1st



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respondent Government and therefore, the 1st respondent / Government is bound to take a decision to extend the benefit of the Government order for the welfare of the Sanitary Workers working in the various Primary Health Centres.

6. The job of the Sanitary Workers in the Primary Health Centres are of paramount importance and now they are receiving a sum of Rs.1,500/- per month, which is absolutely unreasonable and even comparing to the private players it is far less and therefore, the Government has to consider to implement the order issued in G.O.(D).No.792, Health and Family Welfare (AB1) Department dated 05.04.2017 for the welfare of these Group 'D' employees working for several years in the Primary Health Centres.

7. In view of the facts and circumstances, the 1st respondent is directed to consider the proposal submitted by the Director of Public Health and Preventive Medicine and pass appropriate orders as expeditiously as possible, preferably within a period of 12 weeks from the date of receipt of a copy of this order.



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8. *With the above direction, the Writ Petition stands disposed of. No costs.*

3. On the basis of that order, the Government issued G.O.(D) No.604 Health and Family Welfare (AB1) Department, dated 05.06.2023. In the said G.O., in paragraph 7, it had been stated as follows:

7. Further, in order to implement the orders of the Hon'ble Court third and fourth read above and in order to provide increased wages and continuous opportunity to Reproductive Child Health Sanitary Workers and to appoint the eligible Reproductive Child Health Sanitary Workers in the existing vacant posts of 878 Multi – Purpose Hospital Workers on temporary contract basis through District Health Society on collector daily wages method with wages as fixed by the District Collector from time to time without exceeding the cadre strength sanctioned in Government Order first read above and also to fill up the vacant posts of Multi-Purpose Hospital Worker by eligible Reproductive Child Health Sanitary Workers in future vacancies in the same lines as mentioned below.



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Accordingly, quite apart from determining the wages, which should be not less than the minimum wages determined by the Government, the petitioners in W.P.No.22146 of 2019 had been absorbed as Multipurpose Hospital Workers on temporary contract basis through the respective District Health Society. The petitioners were discharging that particular duty between November 2023 till November 2024.

4.In the counter affidavit, the reasons for passing the impugned order had been explained, namely, complaints had been received from the District Collector, Tiruvannamalai, regarding absorption of the petitioners to the post of Multipurpose Hospital Workers. It had therefore been stated that those who have been so regularised should produce their acquittance records when they were functioning in the post of the Reproductive Child Health Sanitary Workers. It must be kept in mind that the petitioners are working as in Group D services and it would be extremely difficult for them to even think that they should retain their salary acquittance for a number of years and they would be called to produce them at some point of time. These records are not maintained normally also. The respondents could very



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well verify the status of the petitioners in W.P.No.22146 of 2019. It was only pursuant to the orders of the learned Single Judge that they had been absorbed as Multipurpose Health Workers. If complaints had been received, then, the District Collector could have examined the said complaints, but should not have put those who have been so absorbed to task by asking them to produce the documents, which are not even available with them or which they may not even understand the importance of. Except the first petitioner, the other petitioners were also petitioners in earlier W.P.No.22146 of 2019. After having extracted work from them as Multi Hospital workers over the years, the impugned order has been passed by reverting them back to the earlier post of Reproductive Child Health Sanitary Workers. No proper enquiry had been made. In the counter affidavit, it had been stated that the petitioners had also accepted the revision of their seniority. Again, this only exposes the naivety of the petitioners. They would not have understood the implication of such an admission made by them. Even in the G.O. referred above in G.O.(D) No.604, dated 05.06.2023, it had been observed that there were 878 Multipurpose Hospital Workers posts which were vacant. The writ



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petitioners are just five in numbers. The respondents need not have targeted them, but could have taken them on roll. After all they were their earlier workers on daily wages.

5.The learned Counsel for the petitioner pointed out that they were paid Rs.17/- per day up to the year 2011 and Rs.33/- per day up to the year 2015 and thereafter Rs.50/- per day. Only work has been extracted from them and they have been exploited to the full. This is hardly a situation, which the respondents can take pride. In fact, they should feel ashamed that they have exploited the workers. The impugned orders are therefore set aside and a direction is given to the respondents to reabsorb the petitioners herein as Multipurpose Hospital Workers on contract basis and provide them with necessary work in that post. Respondents must also realise the bonafide claim of the petitioners.

6.The writ petition stands allowed. Necessary orders in this regard must be passed within a period of four weeks from the date of receipt of a copy of this order. The petitioners are also entitled for arrears for the period



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in which they had worked as Sanitary Workers and the arrears of the difference in pay for the period in which they had worked as Sanitary Workers when they should actually had been performing the duty of Multipurpose Hospital Workers. Their continuity in service must also be recognised. No costs. Consequently, connected Writ Miscellaneous Petitions are also closed.

20.03.2025

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Index:Yes/No

Internet:Yes/No

To

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2.The Director of Public Health & Preventive Medicine,
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3.The District Health Officer,
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C.V.KARTHIKEYAN,J.

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