

W.P.(MD) No.4600 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2025

CORAM:

THE HONOURABLE Mr.JUSTICE BATTU DEVANAND

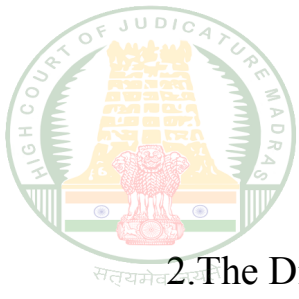
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1. C.Elangiam
2. S.Bhuvaneshwari
3. M.Santhi
4. R.Seethaiyammal
5. N.Usha
6. M.Ramayee
7. M.Malarkodi
8. A.Nambu
9. V.Vasantha
10. C.Rajamani
11. K.Vijayakumari
12. M.Pidari
13. S.Indra
14. P.Suseela
15. S.Thamaraiselvi
16. A.Kanagu

... Petitioners

Vs

- 1.The Secretary to Government,
Health and Family Welfare Department,
Fort St.George,
Chennai.



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2.The Director,
Directorate of Medical and Preventive Medicine,
DMS Complex,
Teynampet,
Chennai.

... Respondents

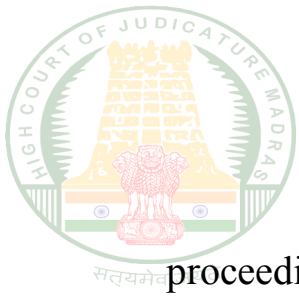
PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 1st and 2nd respondents to consider and pass orders on the representation made by the petitioners dated 23.09.2024 to include us in the General Provident Fund with all service and monetary benefits more particularly within a time frame as may be stipulated by this Court.

For Petitioner	: Ms.P.Nagalaksmi
For R1 to R4	: Mr.S.Vinoth Government Advocate

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

2.The case of the petitioners is that they were appointed as Anganwadi workers in the respondent Department with effect from 01.11.1989 and paid with a consolidated pay of Rs.200/- per month, vide



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proceedings of the District Collector, Pudukkottai, in Na.Ka.No.20793/89.

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They underwent Multipurpose Health Worker Course training from 15.05.2002 to 14.11.2003. After completion of the said training, they were placed under Special time scale of pay of Rs.600/- from 02.02.1998 to 10.07.2007. While being so, they were called for counselling for appointment to the post of Village Health Nurse by the second respondent. Pursuant to the counselling, the second respondent appointed the petitioners as Village Health Nurse on regular scale of pay, by a proceedings of the Deputy Director, Health Services, Pudukkottai District in Na.Ka.No.2563/A7/07, dated 07.07.2007. The petitioners joined in service as Village Health Nurse with effect from 11.07.2007. As such, according to the petitioners, they were in Government service since 1989. However, the respondents admitted the petitioners in the newly introduced Contributory Pension Scheme, despite their eligibility to avail the benefits under General Provident Fund.

3.The learned counsel appearing for the petitioner submits that the respondents ought to have considered the service of the petitioners



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rendered prior to their regularization and ought to have included them in the General Provident Fund. Requesting the same, the petitioners have submitted a joint representation on 23.09.2024. However, the said representation is not yet considered. Against the inaction of the respondents in considering the representation of the petitioners, dated 23.09.2024, the petitioners constrained to file the present writ petition.

4. During the course of hearing, the learned Government Advocate appearing for the respondents basing on the averments made in the counter affidavit would submit that the request of these petitioners made in their representation, dated 23.09.2024 has been considered by the second respondent and passed an order to that effect on 25.10.2024 and the same was also served to the petitioners on 25.02.2025. Though several averments made in the counter affidavit filed by the respondents for adjudication of the present writ petition, all those are not required. If the contention of the respondents has to be accepted that they have considered the representation of the petitioners and passed orders on 15.10.2024, no reasonable reasons are stated in the counter affidavit for



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not serving the said order on the petitioners immediately. It is an admitted fact that the present writ petition was listed before this Court first time on 20.02.2025. On that day, the learned Government Advocate took notice on behalf of the respondents and this matter was adjourned to 25.02.2025. On 25.02.2025, again it was adjourned at the request of the learned Government Advocate to today. Though it is stated that the request made by the petitioners in their representation, dated 23.09.2024 has been rejected by order, dated 15.10.2024, it is not served to them till 25.02.2025. This Court is of the concerned view that the rejection order, dated 15.10.2024 is anti-dated. Only after filing of the writ petition and when it is adjourned for instructions of the respondents, to circumvent the Court proceedings, the second respondent passed an order, dated 15.10.2024, anti-dated and served it on the petitioners on 25.02.2025. It is very strange to notice this type of attitude from the second respondent. This kind of actions of the Government officers has to be seriously condemnable. If any order passed by any authority, unless it is not served on the concerned persons, it cannot be treated as an order. There is no meaning in passing an order and keeping it in their file or cupboard,



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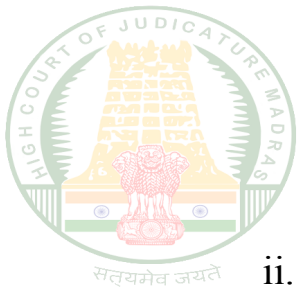
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without serving to the affected parties to enable them to challenge the same before the appropriate Court of law, by following the legal procedures.

5.Considering these facts, this Court is inclined to set aside the proceedings issued by the second respondent in R.No. 8522165/MP3/S1/2024. Dated 15.10.2024 and to remand the matter for fresh consideration, taking into account the notification, dated 13.07.2023, issued by the Government of India, wherein, the coverage of General Provident Fund to the employees, who were recruited after 22.12.2003 was extended for the vacancies notified prior to 22.12.2003 and pass orders afresh on the representation submitted by the petitioners on 23.09.2024.

6.Accordingly, this writ petition is disposed of with the following directions:-

- i. The proceedings issued by the second respondent in letter R.No. 8522165/MP3/S1/2024, dated 15.10.2024 is hereby set aside.



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- ii. The matter is remanded back to the second respondent for fresh consideration to pass orders afresh by taking note of the notification dated 13.07.2023 issued by the Government of India and also considering the representation of these petitioners, dated 23.09.2024 afresh, within a period of two weeks from the date of receipt of a copy of this order.
- iii. The petitioners are at liberty to submit the required documents, if any and to make any oral submissions before the second respondent to substantiate their case and the second respondent shall provide opportunity to the petitioners to that effect before passing an order afresh. No costs.

06.03.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes
vrn



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 - 2.The Director,
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BATTU DEVANAND, J.

vrn

Order made in
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Dated :06.03.2025