IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

WP.No.18900/2015 and
M.P.No.1 of 2015

D.Sumathi .. Petitioner

Versus

1.The Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai-9.

2. The Project Director,
Tamil Nadu State Aids Control Society,
417, Pantheon Road, Egmore,
Chennai-8.

3. The Chairman,
Medical Services Recruitment Board,
Teynampet, Chennai-6. .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus, directing the respondents herein to regularise the service of the petitioner in the post of Lab Technician Grade-II with all monetary and other attendant benefits.

For Petitioner : Mr.AR.L.Sundaresan,
Senior Counsel
for M/s.M.Veerappan

For Respondents: Mr.S.Gunasekaran, GA

ORDER

The petitioner was initially appointed as Lab Technician Grade-II in the 2nd respondent Society, namely, Tamil Nadu State Aids Control Society, on 18.03.2008. She was in possession of a Certificate in Medical Laboratory Technology (CMLT) which is required for appointment as Lab Technician. Based on the notification issued in the Newspaper calling for application, her appointment was made after undergoing the selection process.

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2. The petitioner has been working continuously for the past seven years. However, the service of the petitioner has not yet been regularised.

3. While so, representations were made to the Ministry of Health and Family Welfare Department of Aids Control, New Delhi seeking to regularise the service of the petitioner. The said Ministry at New Delhi issued a letter dated 4.8.2014 stating that it had no objection in case, the State Government intends to regularise the staffs working in the 2nd respondent society. It is useful to extract the following passage of the letter dated 04.08.2014 of the Central Government in this regard which is as follows:

"However, in case, State Government intends to regularise the contractual staff, the Department have no objection to the same contingent to the fact that there would be no additional financial liability on the Central Government, and it would be state responsibility in case of dissolution of concerned State AIDS Control Societies."

4. In these circumstances, the petitioner made a representation dated 06.06.2015 to regularise her service in the light of the aforesaid fact and more particularly, based on the letter of the Central Government dated 04.08.2014 referred to above.

5. The petitioner has filed this Writ Petition seeking for a direction to regularise her service in the post of Lab Technician Grade II as she was appointed to the post after the selection process and she is possessed with all the requisite qualification.

6. It is also stated that after appointment, the name of the petitioner was also removed in the Employment Exchange Register. In these circumstances, the 1st respondent is directed to consider the representation of the petitioner dated 06.06.2015 in the light of the facts stated above and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this Order.

7. With the above observation, the Writ Petition is disposed of . No costs. Consequently, connected Miscellaneous Petition is also closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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3. The Chairman,
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Teynampet, Chennai-6.

+1cc to M/s. M. Veerappan, Advocate, S.R.No.32806

+1cc to the Government Pleader, S.R.No.32622

MP(CO)
EU(15/07/2015)

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