

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

WP.No.18970/2015

Manikanda Prabath

..Petitioner

Versus

- 1.The Director
Directorate of Medical Education
Kilpauk, Chennai 600 010.
- 2.Rajiv Gandhi Government General Hospital
rep by its Deen
Chennai 600 003.
3. Padmavathi Hospitality and Services
rep. by its Manager
A2 Sams Noah Towers, B5, 2nd Avenue
Anna Nagar East, Chennai 600 102.

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondent to reinstate and confer permanent employment to the petitioner for the post of Record Clerk from the date of completion of 480 days of their joining in the service of the 2nd respondent.

For Petitioner : Mr.T.Saravanan
For RR 1 & 2 : Mr.S.Gunasekaran, GA

ORDER

In this Writ Petition, the petitioner seeks to reinstate and confer permanent status to him in the post of Record Clerk.

2. The petitioner was employed in the 2nd respondent Hospital as a Record Clerk on contract basis through one Contractor, namely, Gee Kay HR Solutions (P) Limited. Later, he was directly employed by the hospital authorities and thereafter he was continuously working till December, 2014.

3. It is stated that no order was given terminating his service.

4. In those circumstances, he could have filed a Writ of declaration to declare the termination as bad and illegal and without his termination being declared as illegal, he could not ask for regularisation in service. Regularisation in service would arise only if the persons are in employment. Admittedly, the petitioner is not in employment and he has also not chosen to question the termination. Hence, I am not inclined to issue any direction as sought for by the petitioner.

5. With the above observation, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

tsi

To

1.The Director
Directorate of Medical Education
Kilpauk, Chennai 600 010.

2.The Dean
Rajiv Gandhi Government General Hospital
Chennai 600 003.

3.The Manager
Padmavathi Hospitality and Service
A2 Sams Noah Towers, B5, 2nd Avenue
Anna Nagar East, Chennai 600 102.

+ 1 cc to Mr.T. Saravanan, Advocate Sr.32274

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SCD(CO)
Eu 21.07.15

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