

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31-08-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.24619 of 2015

and

M.P.No.1 of 2015

Kumar

.. Petitioner

vs

1. The Secretary to Government
Health and Family Welfare Department
Fort St. George, Chennai 600 009
 2. The Project Director
Tamilnadu State Aids Control Society
417, Pantheon Road, Egmore
Chennai 600 008
 3. The Chairman
Medical Services Recruitment Board
Teynampet, Chennai 600 006
- .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to pass orders on the representations of the petitioner dated 10.6.2015 and 30.7.2015, and to regularise his service in the post of Lab Technician Grade-II with all monetary and other attendant benefits.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.S.Gunasekaran
Government Advocate

ORDER

The petitioner would state that he was appointed as a Lab Technician in the services of the Tamil Nadu AIDS Control Society, and is in possession of Certificate in Medical Laboratory Technology (CMLT), which is the prerequisite for appointment to the post of Lab Technician. The petitioner would further state that he was appointed after calling for application through newspaper, and through selection process and at present, he is being paid the consolidated salary of Rs.16,750/- per month.

2.The petitioner would claim that the services of the Lab Technicians, who were working under the Revised National Tuberculosis Control Programme, were regularised and since he is similarly placed, he is also entitled to get the same relief and in this regard, has submitted a representation dated 10.6.2015, followed by a reminder dated 30.7.2015, and since no orders have been passed, came forward to file this writ petition.

3.The learned Counsel appearing for the petitioner, would submit that in similar facts and circumstances, this Court vide order dated 30.6.2015, made in W.P.No.18887/2015, has directed the first respondent therein to consider the representation submitted by the petitioner therein, in accordance with law and pass appropriate orders thereon and prays for similar orders.

4.The Court heard the submissions of Mr.S.Gunasekaran, learned Government Advocate appearing for the respondents, also.

5.It is relevant to extract the relevant portion of the communication dated 4.8.2014, of the Ministry of Health and Family Welfare Department of Aids Control, New Delhi, as under:-

"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."

6.This Court, in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the first respondent to consider his representation dated 10.6.2015, as well as the reminder dated 30.7.2015, in accordance with law and pass orders thereon within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To:

1. The Secretary to Government
Health and Family Welfare Department
Fort St. George, Chennai 600 009
 2. The Project Director
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Chennai 600 008
 3. The Chairman
Medical Services Recruitment Board
Teynampet, Chennai 600 006
- + 1 cc to Mr.S.Doraisamy, Advocate SR 46608
- + 1 cc to Govt.Pleader, High Court, Madras SR 46868

jsv(co)
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W.P.No.24619 of 2015



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