

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.8.2015

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THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.Nos.26211 and 26212 of 2015
and M.P.Nos.1 and 2 of 2015

M.Jothilakshmi ...Petitioners in W.P.Nos.26211/15

M.Shanthi ...Petitioners in W.P.Nos.26212/15

-Vs-

- 1 The Government of Tamilnadu
Rep. by the Secretary to Government Health
and Family Welfare (EAP II-2) Department
Fort St. George Chennai-9.
- 2 The Director of Medical
Services Teynampet Chennai-6.
- 3 The Joint Director of Medical
and Rural Health Services (TB) & State T.B.
Officer State T.B. Centre 359-361 DMS
Campus Anna Salai Teynampet Chennai-6.
...Respondents in both WPs
- 4 The Deputy Director of Medical
Services (TB) District T.B. Centre
District Health Society RNTCP Cuddalore.
- 5 Ms. I.Jenifer ...Respondents 4 & 5 in
W.P.Nos.26211/15
- 4 The Deputy Director of Medical
Services (TB) District T.B. Centre
District Health Society RNTCP Sivaganga-630 561.
- 5 M.Keerthivasan ...Respondents 4 & 5 in
W.P.Nos.26212/15

COMMON PRAYER

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the Impugned proceedings of the third respondent dated 13.08.2015 and quash the same in so far as the appointment of the fifth respondent is concerned and direct the third respondent to consider the appointment of the petitioner as Accountant (Full Time) on contractual basis at the District Health Society RNTCP at Sivaganga

For Petitioners

in both Wps : Mr.T.N.Sugesh

For R1 to R4 : Mr.V.Subbiah
in both Wps Special Government Pleader

COMMON O R D E R

By consent, these Writ Petitions are taken up for final disposal.

2. The Petitioner in W.P.No.26211/2015 was appointed as Accountant [Part-Time] on 20.01.2006 at the District Health Society, Revised National Tuberculosis Control Programme [RNTCP], Cuddalore District. According to her, she is continuously working for the past 9 years without any complaint whatsoever and the service certificate issued by the 4th respondent dated 15.10.2014 would also disclose that she is continuously working in the said post for nearly 9 years.

3. Petitioner would further state that on 01.11.2014, the 4th respondent issued an advertisement calling for applications for various posts, including the posts of Accountants [Full-Time] on contractual basis and according to her, in certain districts, particularly in Cuddalore, the notification itself would state that persons, who are already working in the said posts under the said programme would be given preference.

4. The grievance expressed by the petitioner is that in the event of any recruitment once again on contractual basis, she is likely to be terminated. However, she is entitled to absorption and that she has been continuously working for the past 9 years.

5. Petitioner in W.P.No.26212 of 2015 was appointed as Part-Time Accountant on 01.11.2005 at the District Health Society, Revised National Tuberculosis Control Programme [RNTCP], Sivagangai.

According to her, she is continuously working for the past 10 years without any complaint whatsoever and the service certificate issued by the 4th respondent dated 30.10.2014 would also disclose that she is continuously working in the said post since 01.11.2005.

6. The learned counsel for the petitioner would contend that some of the persons, who are similarly placed like the petitioner have been selected for the post of Accountant [Full- Time] on contractual basis.

7. Though both of them had submitted representations dated 17.8.2015 and 18.8.2015 respectively, no orders have been passed and in the interregnum, they are also likely to be terminated and hence, petitioners have come forward with these writ petition.

8. This Court heard the submissions of Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of respondents 1 to 4.

9. Though the petitioners prayed for a larger relief of quashment of the notification, this Court, in the light of the facts and circumstances is of the view that it would be suffice to direct the third respondent to consider and dispose of the petitioners' representations dated 17.8.2015 and 18.8.2015 respectively on merits and in accordance with law within a stipulated time and in the interregnum their present employment is to be protected.

10. In the result, writ petition is disposed of and the third respondent is directed to dispose of the petitioners' representations dated 17.8.2015 and 18.8.2015 respectively on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners. Till then, the services of the petitioners as Part-Time Accountants, shall not be disturbed. No costs. Consequently, connected miscellaneous petitions are closed.

सत्यमेव जयते

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1 The Government of Tamilnadu
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+1 cc to Government Pleader sr.45133

+2 ccs to Mr.T.N.Sugesh Advocate sr.12533,12534

W.P.Nos.26211 and 26212 of 2015

aa04/09/2015

सत्यमेव जयते

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