



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.05.2015

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)Nos.7852 & 7855 of 2015

and

M.P(MD)No.1, 1, 2 & 2 of 2015

WEB COPY

1.W.P(MD)No.7852 of 2015:-

F.Anand

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. By its Secretary,
Department of Health and
Family Welfare Department,
Fort St. George, Chennai.

2.The Director of Public Health
and Preventive Medicine,
Chepauk, Chennai.

3.The Deputy Director of
Medical and Rural Health Service
and Family Welfare,
Nagercoil, Kanyakumari District.

... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents to consider the petitioner's appointment for the post of driver at Medical Department, as per the order in W.P(MD) No.11783 of 2011, dated 26.04.2013 passed by this Court and pass such further or other orders.

For Petitioner : Mr.M.Ramu

For Respondents : Mr.C.Selvaraj

Special Government Pleader

2.W.P(MD)No.7855 of 2015:-

Rajadurai

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. By its Secretary,
Department of Health and
Family Welfare Department,
Fort St. George, Chennai.



2.The Director of Public Health
and Preventive Medicine,
Chepauk, Chennai.

3.The Deputy Director of
Medical and Rural Health Service
and Family Welfare,
Nagercoil,
Kanyakumari District.

... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents to consider the petitioner's appointment for the post of driver at Medical Department, as per the order in W.P(MD) No.11781 of 2011, dated 26.04.2013 passed by this Court and pass such further or other orders.

For Petitioner : Mr.M.Ramu
For Respondents : Mr.C.Selvaraj
Special Government Pleader

COMMON ORDER

These Writ Petitions have been filed for a Writ of Mandamus to direct the respondents to consider the petitioners appointment for the post of driver at Medical Department, as per the order passed by this Court in W.P(MD)Nos.11783 and 11781 of 2011, dated 26.04.2013.

2. Mr.C.Selvaraj, learned Special Government Pleader, takes notice for the respondents. By consent, the Writ Petition itself is taken up for final disposal at the admission stage itself.

3. The petitioners are drivers in the Government Primary Health Centre and they have been working with them from the year 2005. In the meantime, as the Government preferred to revoke the outsourcing appointments, representations were made by the petitioners to the respondents to regularise their services. Hence, the petitioners preferred W.P(MD)Nos.11873 and 11871 of 2015 before this Court and the same were disposed of along with the batch of Writ Petitions on 26.04.2013. This Court, while passing order by giving a direction that without going into the merits of the matter, the third respondent to consider the petitioners' representation and submit appropriate proposal on the petitioners' claim to the second respondent, who shall examine the matter on merits and in accordance with law and pass appropriate orders.

<https://hcservices.courts.gov.in/web-services/> the grievance of the petitioners are that since the respondents are not considering their case, the petitioners have also sent a detailed representation on 24.06.2013 to the



third respondent. In the meanwhile, there is a notification, dated 28.04.2015 calling the eligible persons to fill up 580 driver posts through Employment Exchange. Hence, the above Writ Petitions were filed by the petitioners seeking a direction to the respondents to consider their appointments for the post of driver as per the order passed by this Court in W.P(MD)Nos.11783 and 11781 of 2011, dated 26.04.2013.

5. The learned Special Government Pleader submits that the respondents would consider the case of the petitioners, as per the directions passed in the earlier order.

6. However, the learned counsel appearing for the petitioners also invites the attention of this Court to the order passed by this Court in W.P(MD)No.14257 of 2014, dated 10.03.2015, wherein in paragraph No.8 it has been held as follows:-

"8. In compliance of the said order, the petitioner was given appointment order on 04.08.2011 with time scale. Once such appointment is made, that too bringing the petitioner under time scale, cancellation of such appointment once again by contending that the petitioner's appointment was an out sourced one, is undoubtedly against the order passed by this Court in W.P(MD)No.10698 of 2010, dated 30.06.2011. In fact, the impugned order has not at all referred to the order passed by this Court earlier. Therefore, I am of the considered view that the same having been passed without application of mind also in violation of principles of natural justice, cannot be sustained any more."

7. In this case, the petitioners being drivers outsourced they may be considered and in accordance with law as per the above said order.

8. Accordingly, the Writ Petitions are disposed of directing the third respondent to consider the representation made by the petitioners. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-

Vacation Officer

/True copy/

Sub Assistant Registrar



1.The Secretary,
Department of Health and
Family Welfare Department,
Fort St. George, Chennai.

2.The Director of Public Health
and Preventive Medicine,
Chepauk, Chennai.

3.The Deputy Director of
Medical and Rural Health Service
and Family Welfare,
Nagercoil,
Kanyakumari District.

+2cc to MR.M.RAMU,ADVOCATE IN SR NO. 25040

+1cc to Special Government Pleader Sr NO. 25071

W.P(MD)Nos.7852 & 7855 of 2015
06.05.2015

RG.07.05.2015

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