

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2016

CORAM

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.13216 of 2016

1. Dr.M.Surendar,
2. Dr.A.N.M.Maalik Babu
3. Dr.N.Karthick
4. Dr.M.Veerapandian
5. Dr.B.Thirumoorthy
6. Dr.U.Sankaralingam
7. Dr.K.Vignesh
8. Dr.M.Nagarajan
9. Dr.N.M.S.Ahamed,
10. Dr.P.Gunaseelan

... Petitioners

Vs.

1. The State of Tamil Nadu,
rep.by its Principal Secretary
to Government,
Health & Family Welfare Department,
Secretariat,
Fort St.George,
Chennai - 600 009,
2. The Director of Medical Education,
Kilpauk,
Chennai - 600 010,
3. The Director of Medical &
Rural Health Services,
DMS Compound, Teynampet,
Chennai - 600 006,
4. The Director of Public Health &
Preventive Medicine,
DMS Compound, Teynampet,
Chennai - 600 006.

... Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to direct the respondents to pass appropriate orders to regularize the service of the petitioners in the post of Assistant Surgeon from the date of initial entry into service on temporary basis through Employment exchange by taking into consideration of clearance of Special TNPSC examination conducted in November, 2009, with all consequential and other attendant benefits including revision of

salary with arrears, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran
For Respondents: Mr.R.Vijayakumar,
Addl.Govt.Pleader

O R D E R

The ten petitioners, who were initially temporarily appointed as Assistant Surgeon under 10(a)(1) of the General Rules, have come to this Court seeking a common prayer for issuance of a writ of mandamus directing the respondents to pass appropriate orders to regularise their services in the post of Assistant Surgeon from the date of their initial appointment.

2. Learned counsel for the petitioners submits that after the petitioners were initially appointed under Rule 10(a)(1) of the General Rules through Employment Exchange, they appeared for regular Tamil Nadu Public Service, (in short, 'TNPSC') examination conducted in February, 2009 as well as the Special TNPSC Examination conducted in November 2009. Fortunately, they were able to clear both the TNPSC examinations for regular selection to the post of Assistant Surgeon. Their grievance is, from the date of passing through the Special Examination conducted by the TNPSC on 29.11.2009 they have been given regularisation with the service benefits not like the other persons, who passed the single examination conducted in February 2009. Therefore, when the respondents have already given the service benefits from the date of passing of the examination held by the TNPSC on 15.2.2009 to one set of people, the same cannot be denied to the petitioners when they have passed both examinations held on 15.2.2009 and 29.11.2009. In this regard, the petitioners have also given a representation dated 12.10.2015, but the said representation has not been considered by the respondents.

3. Heard the learned counsel appearing for the petitioner. Learned Special Government Pleader appearing for all the respondents submits that a reasonable time may be granted to the 1st respondent to consider the representation made by the petitioners and pass orders.

4. Considering the submissions made by the learned counsel on either side, the petitioners are hereby directed to give fresh and detailed representations to the 1st respondent within a period of one week from the date of receipt of a copy of this order enclosing a copy of this order. On receipt of such representations, the 1st respondent shall consider the same and pass orders within a period of twelve weeks thereafter.

5. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

usk
To

1. The Principal Secretary to Government,
Health & Family Welfare Department,
Secretariat,
State of Tamil Nadu,
Fort St.George,
Chennai - 600 009,
2. The Director of Medical Education,
Kilpauk,
Chennai - 600 010,
3. The Director of Medical & Rural Health Services,
DMS Compound, Teynampet,
Chennai - 600 006,
4. The Director of Public Health & Preventive Medicine,
DMS Compound, Teynampet,
Chennai - 600 006.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.22976
+1cc to the Government Pleader, S.R.No.22752

KK(CO)
EU(06/05/2016)

W.P.No.13216 of 2016

WEB COPY