

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.Nos.34287 to 34292 of 2016
and
W.M.P.Nos. 29563 to 29568 of 2016

S.Muthuraman Petitioner in
W.P.34287 of 2016

V.Sankar Petitioner in
W.P.34288 of 2016

U.Baskaran Petitioner in
W.P.34289 of 2016

P.Sivaperuman Petitioner in
W.P.34290 of 2016

R.Muthukumaran Petitioner in
W.P.34291 of 2016

G.Ravichandran Petitioner in
W.P.No.34292 of 2016

vs.

1. The Government of Tamil Nadu,
represented by Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Chennai - 600 009.
2. The Director of Public Health and
Preventive Medicine,
Chennai - 600 006
3. The Deputy Director of Health Services
and Family Welfare,
Nagapattinam. Respondents in all W.Ps.

Prayer in W.P.No.34287, 34289, 34291 & 34292 of 2016 :-

Writ petitions have been filed under Article 226 of the
Constitution of India, praying for a Writ of mandamus directing

the respondents to regularize the services of the petitioners as Driver from the date of initial appointment on 16.05.2008 and absorb the petitioners as such in regular establishment and grant them all consequential benefits.

Prayer in W.P.No.34288, 34290 of 2016 :-

Writ petitions have been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to regularize the services of the petitioners as Driver from the date of initial appointment on 17.05.2008 and absorb the petitioners as such in regular establishment and grant them all consequential benefits.

For Petitioner in all W.Ps :Mr.M.Ravi
For Respondents in all W.Ps:Mr.Gunasekaran
Addl. Govt. Pleader

C O M M O N O R D E R

With the consent of both sides, the main writ petitions itself are taken up for final disposal.

2. The petitioners have come up with the present writ petitions for a mandamus, directing the respondents to regularize the services of the petitioners as Driver from the date of initial appointment and absorb the petitioners as such in regular establishment and grant them all consequential benefits.

3. The petitioners were appointed as drivers as per Pro.No.2699/2008/A1 dated 15.05.2008 issued by the third respondent under Rule 10(a)(1) of the general Rules for Tamil Nadu State and Subordinate Service in the scale of pay of Rs.3200-85-4900 and joined duty on 16.05.2008 and 17.05.2008. While being so, the third respondent, in and by Pro.R.No.2699/2008/ A1 dated 09.03.2009, terminated their service with effect from 09.03.2009 after noon. They were terminated from service without any notice stating "for want of vacancy and due to administrative reasons.".

4. Aggrieved over the same, the petitioners filed W.P.Nos.3742 to 3748 of 2009 and M.P.Nos.2 to 2 of 2009 before this Court. This Court, by common order dated 17.03.2009 in M.P.Nos.2 to 2 of 2009 granted interim stay of operation of the orders of termination dated 09.03.2009 passed by the 3rd respondent. Consequent to the order of interim stay, the petitioners were reinstated into service from 12.06.2009.

Subsequently, this Court by common order dated 17.08.2011, set aside the orders of termination dated 09.03.2009. Therefore, petitioners have been continuously working as driver from 16.05.2008 and 17.05.2008 onwards.

5. Even though they have been serving as driver from 16.05.2008 and 17.05.2008 continuously, their services have not been regularized and they have not been absorbed in regular establishment, to which they were legally entitled. Hence, the petitioners have come forward with the above writ petitions.

6. I have heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the respondents.

7. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the petitioners to give a fresh representation, along with a copy of this order, to the respondent within a period of two weeks from the date of receipt of a copy of this order, and on receipt of the same, the second respondent is directed to consider the same with regard to the regularization of services of the petitioners as driver from the date of their initial appointment and pass an appropriate order within a period of eight weeks from the date of receipt of a copy of this order. These writ petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

mrp

To

1. The Government of Tamil Nadu,
represented by Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Chennai - 600 009.

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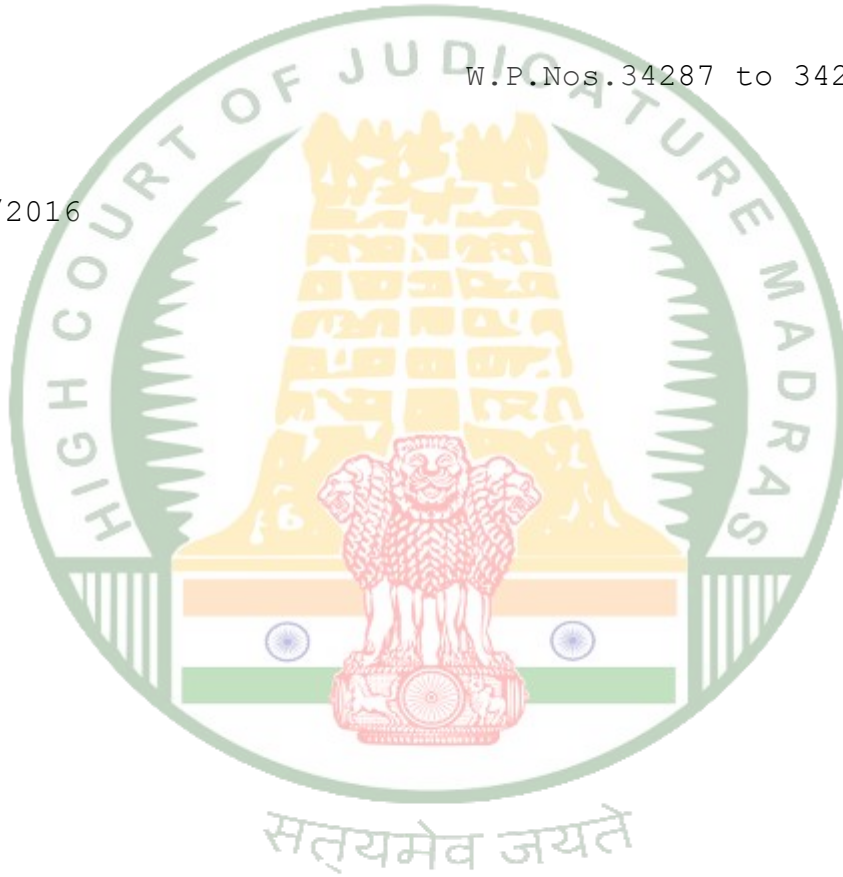
2. The Director of Public Health and
Preventive Medicine,
Chennai - 600 006

3. The Deputy Director of Health Services
and Family Welfare,
Nagapattinam.

+1cc to the Government Pleader Sr.56446
+6cc to M/S.M.Ravi, Advocate Sr.56148

W.P.Nos.34287 to 34292 of 2016

ppa[col]
srg 02/11/2016



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