

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.793 of 2017

B.Senguttuvan

... Petitioner

Vs.

- 1 The State of Tamil Nadu
Rep. by its Secretary,
Health, Medical Education & Family Welfare Department
Fort St. George, Chennai - 600 009.
 - 2 The Secretary to Government of Tamil Nadu
Labour and Employment Department,
Fort St. George, Chennai - 600 009.
 - 3 The Director of Medical and Rural Health Services,
DMS Complex, No.361, Anna Salai, Chennai - 600 006.
 - 4 The Deputy Director of Health Services,
Beach Road, Cuddalore - 607 001.
 - 5 The Medical Officer
Government Primary Health Centre,
Marungur, Cuddalore.
 - 6 The Medical Officer
Government Primary Health Centre
Srimushnam, Cuddalore.
- ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to reinstate the petitioner on daily wage basis anywhere in Cuddalore in the light of the petitioner's representation dated 15.12.2016.

For Petitioner : Mr.C.Sivakumar

For Respondents : Mr.K.Dhananjayan

Special Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents.

2.The petitioner would state that he was appointed during the year 2005 by the sixth respondent as a Driver on contract basis and lastly, he was working before the fifth respondent as Driver on daily wage basis and all of a sudden, he was terminated from service on 03.03.2016 stating that the said post has been filled through regular recruitment. The petitioner would further state that he has rendered unblemished service and he and his family are solely depending upon the income earned out of the said occupation and on account of his sudden termination, he and his family are left in lurches and in this regard, he has also submitted a representation dated 15.12.2016, to the fourth respondent praying for continuation of his service as Driver and since no response is forthcoming, came forward to file this writ petition.

3.The learned counsel appearing for the petitioner would submit that the petitioner was working for nearly eleven years and to maintain his family, depend upon such income and all of a sudden, his services were terminated and therefore, prays for appropriate orders for the reinstatement.

4.Per contra, learned Special Government Pleader appearing for the respondents would submit that the services of the petitioner were purely temporary and since regular recruitment has been made, he was rightly terminated from service.

5.This Court heard the rival submissions and also perused the materials placed before it.

6.Though, the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the fourth respondent to consider and dispose of the petitioner's representation dated 15.12.2016, on merits and in accordance with law and pass orders, within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

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

Sd/-
Asst.Registrar

/true copy/

pri

Sub Asst. Registrar

To

- 1 The State of Tamil Nadu
Rep. by its Secretary,
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Marungur, Cuddalore.
- 6 The Medical Officer
Government Primary Health Centre
Srimushnam, Cuddalore.

+1cc to Government Pleader sr.3054

+1cc to Mr.C.Sivakumar, Advocate sr.2701

W.P.No.793 of 2017

ksj (co)
ss (27/01/2017)

सत्यमेव जयते

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