

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.Nos.33199 to 33206 of 2017

K.VELMURUGAN	... PETITIONER IN WP.33199/17
S.RAMESH	... PETITIONER IN WP.33200/17
K.NARESH KUMAR	... PETITIONER IN WP.33201/17
N.VENKATESAN	... PETITIONER IN WP.33202/17
J.FARANCIS PAUS DURAI RAJ	... PETITIONER IN WP.33203/17
S.PAUL XAVIER	... PETITIONER IN WP.33204/17
S.JOHN SUNDAR	... PETITIONER IN WP.33205/17
J.RAJASEKAR	... PETITIONER IN WP.33206/17

-vs-

- 1.The State of Tamil Nadu,
Rep. By its Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai - 9.
- 2.The Director of Public Health and
Preventive Medicine,
DMS Campus, Teynampet,
Chennai - 6.
- 3.The Director of Medical and
Rural Health Services,
DMS Campus, Teynampet,
Chennai - 6.
- 4.Voluntary Health Services Leprosy Project,
Rep. By its Medical Officer,
Sakthi Nagar (Appakudal),
Erode District - 638 315.

- 5.Medical and Rural Health Services Department,
(Leprosy), Rep. By its Additional Director,
DMS campus, Teynampet, Chennai - 6

... Respondents in all WP's

Common Prayer in W.P.No.33199 to 33206 of 2017: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondents 1 to 3 to absorb the

petitioner in service in any one of the post in the Primary Health Centres at Erode in terms of G.O.Ms.No.268, Health and Family Welfare Department, dated 20.09.2010 and the letter dated 03.01.2017 in Lr.No.11891/L1/2016-7 passed by the first respondent similar to the absorption made in G.O.Ms.No.83, dated 22.03.2017 issued by the first respondent and G.O.(Ms).NO.292, dated 22.08.2017 issued by the first respondent in terms of the representation dated 03.11.2017 given by the petitioner.

For petitioners : Mr.R.Dhanaram in all WP'S
For Respondents : Mr.V.Jeyaprakashnarayanan,
Spl.GP in all WP'S

COMMON ORDER

By way of filing these writ petitions, the petitioners seek for issuance of a writ of mandamus to direct the respondents 1 to 3 to absorb them in service to any one of the post in the Primary Health Centres at Erode in terms of G.O.Ms.No.268, Health and Family Welfare Department, dated 20.09.2010 and the letter dated 03.01.2017 in Lr.No.11891/L1/2016-7 passed by the first respondent similar to the absorption made in G.O.Ms.No.83, dated 22.03.2017 issued by the first respondent and G.O.(Ms).NO.292, dated 22.08.2017 issued by the first respondent.

2. Heard the learned counsel for the petitioners and Mr.V.Jeyaprakashnarayanan, learned Special Government Pleader, who accepts notice for the respondents.

3. Since the facts involved in all these writ petitions are one and the same, they are disposed of by this common order. For better appreciation, facts involved in W.P.No.33199 of 2017 are stated below:

The petitioner, who was appointed as Paramedical Worker on 01.03.1987, in the Leprosy Mission Hospital, Manamadurai, was permitted to continue his services till 31.12.2002 and thereafter, he was not in service. However, after keeping quite for almost 15 years, now he has come to this Court seeking for a direction to the respondents to absorb him in services.

4. When it is an admitted case of the petitioners that after rendering for about 15 years of unblemished services, their services have not been regularised, in my view, they ought to have approached the authority concerned seeking to absorb them in the services of the respondent department. However, on the contrary, although all these petitioners were discharged from their services in the year 2002, they have not taken any step to absorb them in the services of the respondent department, but, after keeping the matter in cold storage for about 15 years, now they have approached this Court with a

prayer cited supra.

5. It is well settled law that the delay defeats justice and equities. Equity favours a vigilant rather than an indolent litigant and this being the basic tenet of law, the question of entertaining the prayer of the petitioners, who have left their services in the year 2002, seeking a direction to the respondents to absorb them in the services of the respondent department, that too after a lapse of 15 long years, does not arise in this matter.

6. Thus, on the ground of laches, I do not find any merit in the writ petitions and accordingly, they are dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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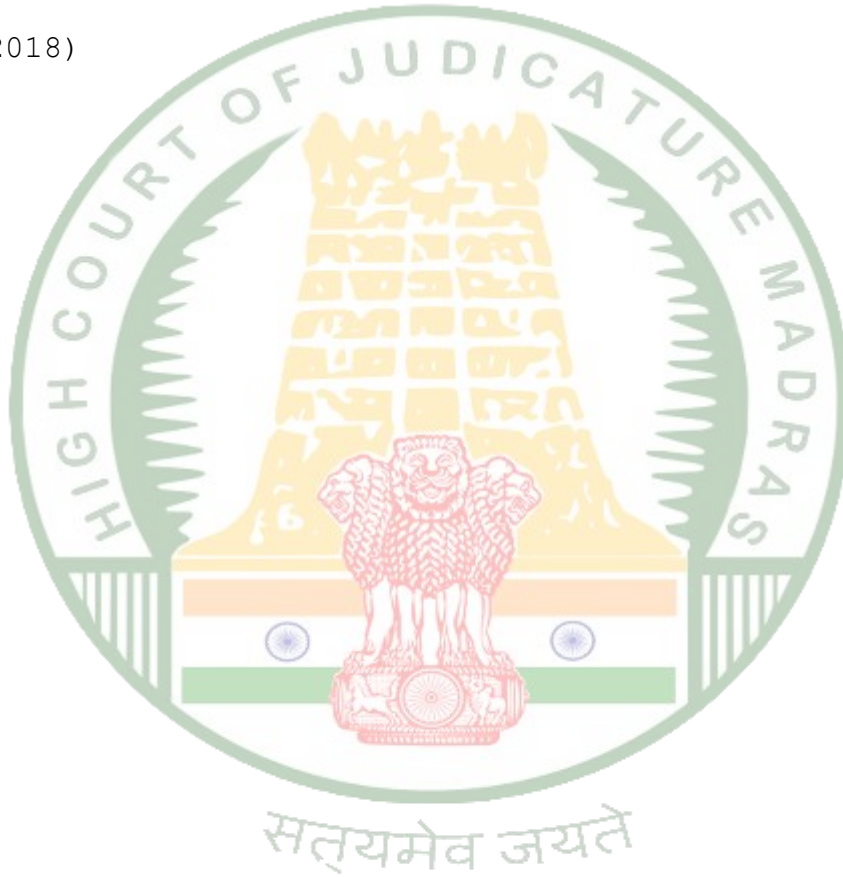
- 1.The Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai - 9.
- 2.The Director of Public Health and
Preventive Medicine,
DMS Campus, Teynampet,
Chennai - 6.
- 3.The Director of Medical and
Rural Health Services,
DMS Campus, Teynampet,
Chennai - 6.
- 4.The Medical Officer,
Voluntary Health Services Leprosy Project,
Sakthi Nagar (Appakudal),
Erode District - 638 315.

5.The Additional Director,
Medical and Rural Health Services Department,
(Leprosy),
DMS campus, Teynampet, Chennai - 6.

+1cc to the Government Pleader, S.R.No. 91099

W.P.Nos.33199 to
33206 of 2017

MG (CO)
TR(04/01/2018)



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