

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.29993 to 29997 of 2017
and WMP Nos.32517 to 32521 of 2017

R.Parameshwaran .. Petitioner in W.P.No.29993 of 2017
A.Murugesan .. Petitioner in W.P.No.29994 of 2017
M.Sathish Kumar .. Petitioner in W.P.No.29995 of 2017
P.Chinnappu .. Petitioner in W.P.No.29996 of 2017
C.Dhanapal .. Petitioner in W.P.No.29997 of 2017

-vs-

1. Govt., of Tamilnadu
Rep. by Secretary to Government,
Health and Family Department,
Secretariat, Chennai - 9
2. The Director of Public Health and
Preventive Medicine,
Chennai - 600 006
3. Deputy Director of Health Services
Namakkal .. Respondents in all writ petitions

Petitions are filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to regularise the services of the petitioners as driver from the date of their initial appointments on 04.03.2008; 31.07.2009; 31.07.2009; 31.07.2009 and 05.08.2009 respectively and absorb them as such in regular establishment, within a limited time frame and in any event well prior to making any appointments to the post of Driver and to grant all consequential service and monetary benefits to the petitioners.

For Petitioners:: Mr.M.Ravi

For Respondents:: Mr.E.R.A.Premnath
Government Advocate

C O M M O N O R D E R

With consent, the main writ petitions are taken up together for final disposal. Since the issues involved in these cases are one and the same, they are taken up together and a common order is being passed.

2. The grievance of the petitioners is that the petitioners were sponsored through employment exchange for the post of Drivers. Subsequently, the petitioners were appointed under Rule 10(a)(I) of the General Rules framed under the Tamilnadu State and Subordinate Services on consolidated pay for three years on 25.02.2008 and 28.07.2009 respectively. They have also joined duty on 04.03.2008 and 31.07.2009 respectively. After completion of 3 years of service, the Head of the Department, called for details pertaining to the petitioners and similarly placed persons, five in number, for submitting proposal to the Government for their regular absorption on time scale of pay, on 26.10.2013. But, till date, no order has been passed for regularisation. In the meanwhile, discrete steps are taken to appoint new persons as Driver, by way of direct recruitment, in the sanctioned posts of Drivers in Namakkal District and the same would endanger the petitioners' continuous service. Hence the petitioners have come forward with these writ petitions.

3. Mr. E. R. A. Premnath, learned Government Advocate takes notice for the respondents and seeks twelve weeks time to consider the petitioners' representation dated 27.10.2017.

4. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents and perused the documents available on record.

5. It is pertinent to note that though the petitioners have averred in their petitions that discrete steps are taken to appoint new persons, as drivers, by way of direct recruitment, the petitioners have not produced proof to establish the same. Since the Head of the Department had called for the particulars of the petitioners for submitting the proposal for their regular absorption on time scale of pay to the Government on 05.06.2013, the respondents are directed to consider the regularisation of the petitioners within a period of twelve weeks from the date of receipt of copy of this common order. Needless to state that the services of the petitioners need not be disturbed till then.

6.With the above direction, these writ petitions are disposed of accordingly. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

ssd

To

1. The Secretary to Government,
Health and Family Department,
Secretariat, Chennai - 9
2. The Director of Public Health and
Preventive Medicine,
Chennai - 600 006
3. Deputy Director of Health Services
Namakkal

+ 5 cc to M/s.M.Ravi, Advocate, SR.83902
+ 1 cc to The Govt.Pleader, SR.83659

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NR 07/12/2017

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