

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.06.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.11706 of 2016

and

W.M.P.Nos.10116 & 10117 of 2016

A.Valarmathi

..Petitioner

vs

1.The Director of Public Health
And Preventive Medicine,
Teynampet,
Chennai - 600 018.

2.The Joint Director of Medical Rural
Health Services and Family Welfare,
Cuddalore - 607 001,
Cuddalore - District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to regularise the service of the petitioner from 07.09.1999 to 29.12.2007 as per the order of this Hon'ble Court in W.P.No.25037/2002 by considering the petitioner's representation dated 05.06.2015.

For Petitioner : Mr.S.Saravanan

For Respondents : Mr.M.Elumalai
Government Advocate

सत्यमेव जयते
O R D E R

The relief sought for in this writ petition is for a direction to direct to the respondents to regularize the services of the writ petitioner with retrospective effect.

2.The writ petitioner is a Diploma holder in Pharmacy and registered her name in the District Employment Exchange in the year 1991. The writ petitioner attended the interview for the post of Pharmacist on 23.08.1999. Accordingly, she was appointed on 06.09.1999. However, the initial appointment of the writ petitioner was on temporary basis and she continued as Pharmacist uninterruptedly without any break in service.

3.Further, it is contended that the writ petitioner is entitled to be regularized with effect from the initial date of appointment for all service benefits.

4.The learned Government Advocate appearing on behalf of the respondents opposed the contentions by stating that though the writ petitioner was appointed in the year 1999. The order of appointment was kept in abeyance and again the writ petitioner was permitted to join duty only with effect from 30.12.2007. Thus, the writ petitioner had not even served in the Department as Pharmacist from the year 1999 to 2007. Therefore, the question of regularization of the writ petitioner with retrospective effect does not arise at all.

5.This Court is of an opinion that though the writ petitioner was appointed in the year 1999, the order of appointment had not been implemented. Contrarily, the order of appointment issued in favour of the writ petitioner had been kept in abeyance. However, the writ petitioner was permitted to join duty as Pharmacist only on 30.12.2007. The writ petitioner also had not challenged the order keeping the appointment in abeyance. Thus, now she cannot seek any such retrospective regularization of the service for the period when the petitioner had not served in the Department. It is brought to the notice of this Court that the writ petitioner has joined as Pharmacist only as 30.12.2007 and her services were already regularized with effect from her date of joining on 30.12.2007. Thus, the relief as such sought for with retrospective regularization cannot be granted. As the writ petitioner had not even served as pharmacist in the Department from the year 1999 and she was permitted to joint duty only with effect from 30.12.2007 and her services were regularized from the date of joining her duty. Such being the factum of the case, the writ petitioner has not established any permissible ground for the purpose of considering the relief as such sought for in this writ petition.

6.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True copy//

Sub Assistant Registrar

nmm/kak

To

1.The Director of Public Health
And Preventive Medicine,
Teynampet,
Chennai - 600 018.

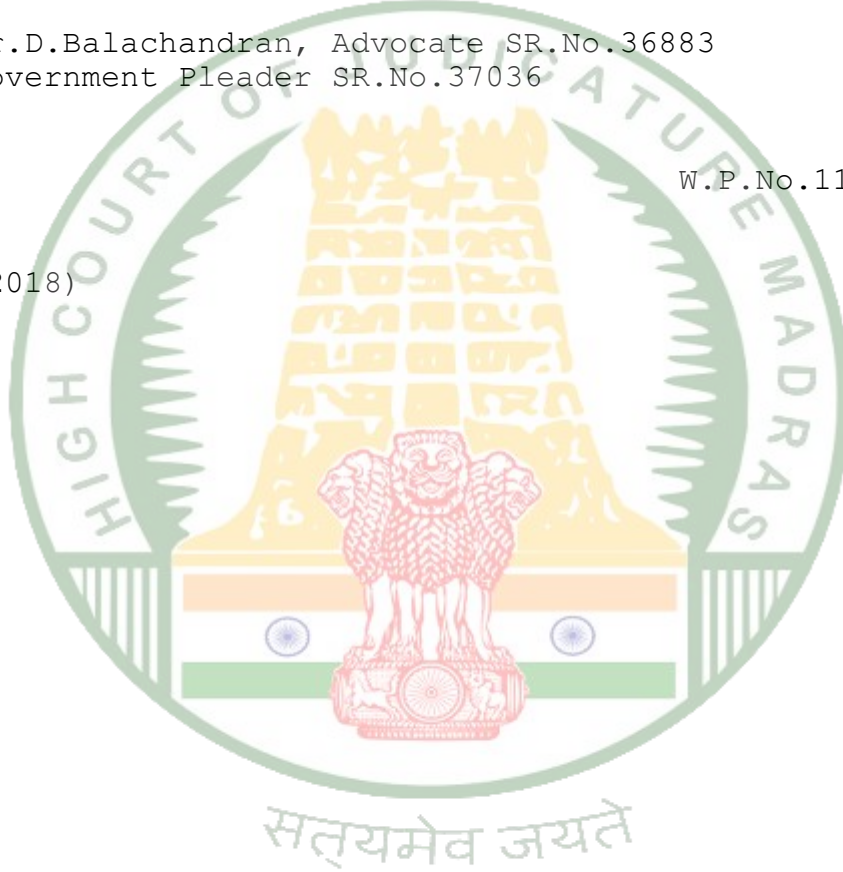
2.The Joint Director of Medical Rural
Health Services and Family Welfare,
Cuddalore - 607 001,
Cuddalore - District.

+1cc to Mr.D.Balachandran, Advocate SR.No.36883

+1cc to Government Pleader SR.No.37036

W.P.No.11706 of 2016

PA(CO)
GN(28/06/2018)



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