



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.7638 of 2018

H.Syed Raguman Khan

... Petitioner

-vs-

1. The Director
Medical and Rural Health Services Department
Teynampet
Chennai - 600 006.

2. The Joint Director,
Medical and Rural Health Services and
Family Welfare Department
Ramanathapuram.

3. The Medical Superintendent
Government District Head Quarters Hospital
Ramanathapuram.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondent No.1 to regularize the petitioner's service as Hospital Worker from the date of his appointment ie., 13.03.2009 with all attendant benefits by considering the proposal of the 2nd respondent in Na.Ka.No.6520/Ni.2/2017 dated 31.10.2017 within the time stipulated by this Court.

For Petitioner : Mr.J.Lawrance
For Respondents : Mr.M.Murugan
Government Advocate

O R D E R

The prayer in the writ petition is for a writ of Mandamus to direct the respondent No.1 to regularize the petitioner's service as Hospital Worker from the date of his appointment ie. 13.03.2009 with all attendant benefits by considering the proposal of the 2nd respondent in Na.Ka.No.6520/Ni.2/2017 dated 31.10.2017.

2. By Consent, the writ petition is taken up for final disposal at the admission stage itself.



3. Heard Mr.J.Lawrance, learned counsel for the petitioner and Mr.M.Murugan, learned Government Advocate for the respondents.

4. The petitioner, though has been working for more than 10 years as a temporary employee, his service is not regularised. Therefore, the petitioner had made a request to regularize his service. His request was considered on merit and forwarded with recommendation by the 2nd respondent to the first respondent by proceedings of the 2nd respondent in Na.Ka.No.6520/Ni.2/2017 dated 31.10.2017. Though such a recommendation having been made by the 2nd respondent, the first respondent so far has not passed any orders regularizing the service of the petitioner. Therefore, the petitioner is before this Court with the aforesaid prayer with this writ petition.

5. Heard the learned Government Advocate for the respondents in this regard.

6. Since the facts are not in controversy that the petitioner is working for more than 10 years as temporary employee and his request to regularize his service has also been considered and forwarded with recommendation by the immediate employer/officer ie., the 2nd respondent herein, there can be no further reason to keep the said issue pending any more. Therefore, this Court is inclined to pass the following order by disposing this writ petition:

That the first respondent is directed to consider the request of the petitioner in the light of the recommendation and forwarding letter dated 31.10.2017 issued by the 2nd respondent and consider the same on merits and in accordance with law and pass a reasoned order with regard to the regularisation of the petitioner within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To:

1. The Director
Medical and Rural Health Services Department
Teynampet
Chennai - 600 006.

2. The Joint Director,
Medical and Rural Health Services and
Family Welfare Department
Ramanathapuram.



3. The Medical Superintendent
Government District Head Quarters Hospital
Ramanathapuram.

+1cc to Mr.J.Lawrance ,Advocate Sr.No.60561
+1cc to Spl.Government Pleader Sr.No.60719

RR

VB/SKN/RSK/SAR1/24.04.2018/3P/6C

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10.04.2018