



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

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W.P. (MD) No. 15244 of 2017
and
W.M.P. (MD) . No. 19240 of 2017

K.Mohamed Rabeek

.. Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of Health and Family Welfare,
Fort St. George,
Chennai - 600 009.
 - 2.The Director of Public Health
and Preventive Medicine,
D.M.S. Complex,
Teynampet,
Chennai - 600 006.
 - 3.The State of Health Society-Tamil Nadu
Represented by its Mission Director-cum-
Special Commissioner and Commissioner for
M.C.H and Welfare,
Reproductive and Child Health Project,
359, Anna Salai,
D.M.S. Complex,
Chennai - 600 006.
 - 4.The District Collector of Virudhunagar,
Virudhunagar.
 - 5.The Deputy Director of Health Services,
Virudhunagar,
Virudhunagar District.
 - 6.The Medical Officer,
Government Primary Health Centre,
Narikudi,
Tiruchuli Taluk,
Virudhunagar District.
- .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to regularize the petitioner's service as Driver under them, making the



petitioner a regular permanent Driver under them with all benefits, withing a time to be fixed by this Court.

For petitioner
For respondents

: Mr. K.N.Thampi
: Mr. J.Gunaseelan Muthiah
Additional Government Pleader

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O R D E R

Heard the learned counsel on either side.

2. The petitioner is a qualified Driver. He belongs to Backward Class Muslim Community. He had duly registered himself with the Employment Exchange, Virudhunagar. He was appointed on 02.09.2009 on a consolidated pay to work as Driver in Mobile Medical Unit.

3. The learned counsel for the petitioner would submit that this is a onerous job involving the petitioner to be ready on a 24 hours call duty.

4. Even though the petitioner has put in more than eight years of service, in absence of any Government Order or scheme providing for regularisation of such service, this Court is not in a position to grant the relief sought for by the petitioner. However it is made clear that the petitioner's services shall not be disturbed. It is not open to the respondents to replace the petitioner by appointing another driver on consolidated pay. As and when the Government issues a Government Order or Scheme providing for regularisation of such services, petitioner's case shall be considered in terms of said Government order or scheme.

5. With these observations the writ petition is disposed of. If the post is sought to be filled up on a regular basis, the authorities will consider the case of the petitioner also by granting relaxation in terms of age. No costs. Consequently, W.M.P. (MD). No. 19240 of 2017 is closed.

Sd/
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To:

1.The Secretary,
Department of Health and Family Welfare,
Fort St. George,
Chennai - 600 009.



2.The Director of Public Health and Preventive Medicine,
D.M.S. Complex,
Teynampet,
Chennai - 600 006.

3.The Mission Director-cum-Special Commissioner and
Commissioner for M.C.H and Welfare,
State of Health Society-Tamil Nadu
Reproductive and Child Health Project,
359, Anna Salai,
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4.The District Collector of Virudhunagar,
Virudhunagar.

5.The Deputy Director of Health Services,
Virudhunagar,
Virudhunagar District.

6.The Medical Officer,
Government Primary Health Centre,
Narikudi,
Tiruchuli Taluk,
Virudhunagar District.

+1cc to Mr.K.N.THAMPI Advocate, SR.No. 49255

+1cc to M/s.Special Government Pleader,SR.No.46560

W.P. (MD) No. 15244 of 2017
16.02.2018

KMI

KK/SKN RSK/19.03.2018/SAR-4/3P-9C