

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice KRISHNAN RAMASAMY

W.A.No.2774 of 2012
and M.P.Nos.1 and 2 of 2012

1.K.Kamaraj
2.R.Sivasankari
3.R.Kalaivani
4.V.M.Jostheena
5.D.Latha
6.S.Helen Ruby
7.A.Sumithra .. Appellants

Vs

1.S.David Wilson
2.The State of Tamil Nadu
rep. by its Principal Secretary
to Government,
Health and Family Welfare
Department,
Fort St. George, Chennai - 9.

3.The Director of Public Health and
Preventive Medicine,
DMS Campus, Anna Salai,
Teynampet, Chennai - 6.

4.The Director,
Employment and Training,
Guindy, Chennai - 32.
5.The Collector and Chairperson
DHS, Nilgiris District,
The Nilgiris.

6.The Additional Director of
Medical Services and
State TB Officer,
DMS Campus, Anna Salai,
Teynampet, Chennai - 6.

7.The Deputy Director of
Medical Services (TB),
Member Secretary, DHS,
The Nilgiris, Udthagamandalam.

.. Respondents

Appeal preferred under Clause XV of Letters Patent against
the order dated 05.09.2012 made in W.P.No.23223 of 2012.

Prayer in WP.No.23223 of 2012:-

This Writ Petition filed under Article 226 of the constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned order passed by the first respondent in his proceedings G.O.Ms.No.242 Health and Family Welfare (G) Department dt 27.7.2012 quash the same in so far as it relates to the direction given to the State T.B. Officer the 2nd respondent herein to terminate the existing contract employees in the Revised National Tuberculosis Control Programme (R.N.T.C.P) and to appoint the Lab Technicians Grade III/ Lab Supervisors whose services are terminated by virtue of order passed by this Honourable Court in W.P.No.10495/08, 10442/08 as confirmed in the W.A.Nos. 446 to 461 of 2009 in the place of the petitioner as illegal and consequently to direct the respondents to retain, the petitioner in the said posts on to accommodate them in any existing vacancies in the Health and Family Welfare Department.

For Appellants .. Mr.C.A.Diwakar

For Respondents .. Ms.A.Sri Jayanthi,
Spl. Govt. Pleader for R2 to R7
R1 - No appearance

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

This writ appeal is directed against the order dated 05.09.2012 made in W.P.No.23223 of 2012.

2.The appellants are working as contractual employees. They were sought to be terminated pursuant to the order passed by this Court, while setting side the earlier Government Orders passed. In fact, these appellants have been appointed in the place of those who have been absorbed earlier and thereafter reverted back pursuant to the orders of the Court.

3.From the above, it is clear that the appellants do not have a vested right as of now being contractual employees

coupled with the fact that they are working under the Scheme. However, they have been working till now. Therefore, we direct the fifth respondent to consider the employment of the appellants on contractual basis as against the fresh intake of employees on contract under the Central Government Scheme. We also note that the appellants have already been made to continue by subsequent orders of the fifth respondent. Therefore, the fifth respondent is hereby directed to see to it that the appellants' services are continued on contractual basis for the purpose of implementing the Central Government Scheme so long as the same is in force. The writ appeal is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Principal Secretary
to Government,
Health and Family Welfare
Department,
Fort St. George, Chennai - 9.
- 2.The Director of Public Health and
Preventive Medicine,
DMS Campus, Anna Salai,
Teynampet, Chennai - 6.
- 3.The Director,
Employment and Training,
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- 4.The Collector and Chairperson
DHS, Nilgiris District,
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- 5.The Additional Director of
Medical Services and
State TB Officer,
DMS Campus, Anna Salai,
Teynampet, Chennai - 6.

6.The Deputy Director of
Medical Services (TB),
Member Secretary, DHS,
The Nilgiris, Udhagamandalam.

+1 cc to Mr.C.A.Diwakar, Advocate Sr.No.830
+1 cc to Mr.V.Manohar, Advocate Sr.No.1156
+1 cc to The Government Pleader, Sr.No.1458

W.A.No.2774 of 2012

AK (CO)
CSL/19.02.2019



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