

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.23763 of 2019

- 1.M.Umapathy
- 2.G.Harikrishnan
- 3.G.Manoharan
- 4.K.Ramesh
- 5.N.K.Gnanasekaran
- 6.A.J.Lakshmikanthan
- 7.A.Gopi
- 8.M.K.Srinivasan
- 9.V.Loganathan
- 10.D.Aravindan
- 11.P.Sakthivel
- 12.K.Sivaseelan
- 13.M.Saravanan
- 14.S.P.Saraswathi
- 15.N.Suresh Kumar
- 16.M.Santhakumar
- 17.M.Kumaravel
- 18.M.Rajakumari
- 19.T.Ranganathan

... Petitioners

Vs.

1. The State of Tamil Nadu,  
Rep. by its Principal Secretary to Government,  
Health and Family Welfare Department,  
Secretariat, Fort St.George,  
Chennai - 600 009.
2. The Director,  
Directorate of Medical Education,  
Kilpauk,  
Chennai - 600 010.
3. The Project Director,  
Tamil Nadu Health Systems Project,  
Nungambakkam,  
Chennai - 600 006.
4. The Director,  
O/o.Director of Medical and Rural Health Services,  
Teynampet,  
Chennai - 600 006.

5. The Joint Director,  
O/o.Joint Director of Medical and Rural Health Services,  
Vellore District,  
Vellore.
6. The Dean,  
Government Vellore Medical College and Hospital,  
Vellore District. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to reinstate the petitioners in the post of Hospital Worker with all service and monetary benefits in the light of the order passed by this Hon'ble Court in W.A.(MD).No.743 of 2015 dated 22.04.2016 complied by the 1<sup>st</sup> respondent in G.O.(Ms).No.325 Health and Family Welfare (C1) Department dated 11.09.2017 within the time limit that may be stipulated by this Hon'ble Court by considering the representation dated 12.04.2019.

For Petitioner : Mr.B.Siddeswaran

For Respondents: Mrs.A.Srijayanthy  
Additional Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus directing the respondents to reinstate the petitioners in the post of Hospital Worker with all service and monetary benefits in the light of the order passed by this Court in W.A.(MD).No.743 of 2015 dated 22.04.2016 complied by the first respondent in G.O.(Ms).No.325, Health and Family Welfare (C1) Department, dated 11.09.2017, within the time limit that may be stipulated by this Court by considering the representation dated 12.04.2019.

2.Heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the respondents.

3.The case of the petitioners is that they have registered themselves in the District Employment Exchange and are waiting for employment opportunity in the Government Service. There was a ban on recruitment in the first respondent department through G.O.(Ms).No.212, Personnel and Administrative Reforms (P) Department dated 29.11.2001 but subsequently same was lifted by

G.O.(Ms.)No.16, Personnel and Administrative Reforms (P) Department dated 21.02.2006. Therefore, the Government ordered for outsourcing of Hospital Paramedical Staff vide G.O.(2D) No.15, Health and Family Welfare (C2) Department dated 22.03.2005. The petitioners are outsourced employees of the fifth respondent Hospital and they were appointed in the year 2005. Though the contract of outsourcing was for one year, the petitioners services were utilized for more than seven years and thereafter their services were terminated. Hence, the petitioners made representation dated 12.04.2019 to the respondents seeking regularization of their services. Since the same has not been considered till date, the petitioners have filed this writ petition.

4.The learned counsel appearing for the petitioners would submit that it would suffice, if this Court issues direction to the respondents to consider the petitioners' representation dated 12.04.2019 and to pass appropriate orders, within a reasonable time frame.

5.Considering the facts and circumstances of the case, I am inclined to issue direction to the respondents to consider the petitioners' representation dated 12.04.2019, on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

6.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

s/d-  
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

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To

1.The Principal Secretary to Government,  
Health and Family Welfare Department,  
Secretariat, Fort St.George,  
Chennai - 600 009.

2.The Director,  
Directorate of Medical Education,  
Kilpauk,  
Chennai - 600 010.

3.The Project Director,  
Tamil Nadu Health Systems Project,  
Nungambakkam,  
Chennai - 600 006.

4.The Director,  
O/o.Director of Medical and Rural Health Services,  
Teynampet,  
Chennai - 600 006.

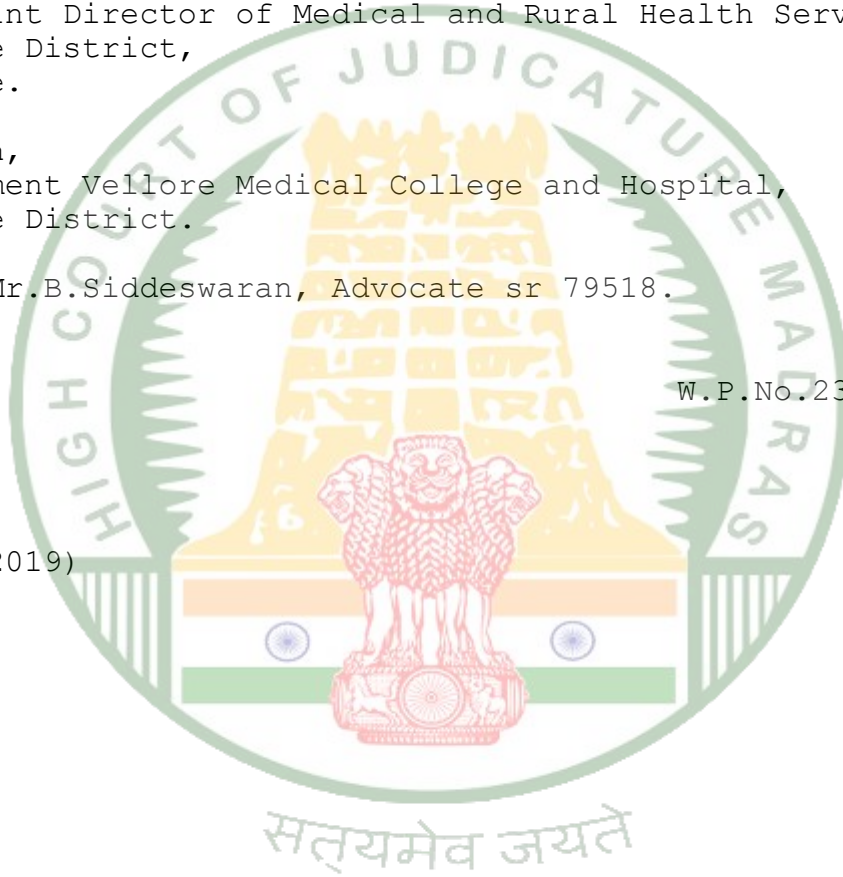
5.The Joint Director,  
O/o.Joint Director of Medical and Rural Health Services,  
Vellore District,  
Vellore.

6.The Dean,  
Government Vellore Medical College and Hospital,  
Vellore District.

+1 CC to Mr.B.Siddeswaran, Advocate sr 79518.

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SP(30/10/2019)



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