

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.11.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.33041 and 33064 of 2019
and

W.M.P.Nos.33496, 33498, 33470 and 33472 of 2019

R.Ravichandran
K.Thangaraju

..Petitioner in WP.No.33041/19
..Petitioner in WP.No.33064/19

Vs

1. The Government of Tamil Nadu
Rep. by its Secretary
Department of Health and Family Welfare,
Fort St. George,
Chennai - 600 009.
2. The Project Director,
Tamil Nadu State Aids Control Society
417, Pantheon Road, Egmore,
Chennai 600 008.
- 3 The Chairman,
Medical Services Recruitment Board,
Teynampet, Chennai - 600006. Respondents in both Wps.

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus, to direct the Respondents to consider the representations of the petitioners dated 24.10.2019 within a stipulated period.

For Petitioners : Mr.C.Umashankar [in both W.P's]

For Respondents-1: Mr. A.N.Thambidurai,

[in both W.P's]

Special Government Pleader

For Respondents-2 & 3 :Mr.M.Loganathan

[in both W.P's]

COMMON ORDER

These Writ Petitions have been filed by the petitioners praying for the issuance of a Writ of Mandamus, to direct the

Respondents to consider the representations of the petitioners dated 24.10.2019 within a stipulated period.

2. According to the petitioners, they were appointed as Lab Technician in the Tamil Nadu State AIDS Control Society on 01.10.2005 on temporary basis and they have completed the Certificate course in Medical Laboratory Technology (CMLT) which was the qualification for the appointment as Lab Technician. The grievance of the petitioner is that they have put in number of years of services, however their services have not been regularized so far. The Government of Tamilnadu issued G.O.Ms.No.151 dated 13.02.2008, granting regularization of the services of differently abled persons who had completed two years of service. Whereas, the petitioners have been continuously working on temporary basis for more than number of years of service and the AIDS control programme is on going project and it is a permanent one and therefore, their appointments on contract basis are required to be regularized. Since their services were not regularized, the petitioners moved Writ Petitions before this Court in W.P.No.1829 to 1885 of 2016 which were disposed of by this Court on 28.06.2017 by this Court giving direction to the authorities to take a decision in regard to the claim of the petitioners who have been working for years together. Even then also, the respondents have not regularized the services of the petitioners and again they made representation to the Government of Tamil Nadu and the concerned authorities, seeking regularization of their services. Pursuant to the orders passed by this Court in the above said writ petitions, but there was no action. While so, without complying the order of this Court, the respondents has issued a notification calling for the applications for the post of Laboratory Technician Gr-II and there were about 660 candidates were short listed for certificate verification. At this stage, it appears that the petitioners have made representation on 24.10.2019 seeking to consider their claim for regularization of their services. Since, no action is forthcoming from the respondents, the petitioners are before this Court.

3. The learned counsel for the petitioners would submit that without going into merits of the case since the representations made by the petitioners have been pending without any progress it would suffice if this Court directs the respondents and to consider and dispose of the representations made by the petitioners in accordance with law.

4. The learned Special Government Advocate appearing for the respondents while conceding the claim of the petitioner, would submit that if any such direction is given by this Court, the same would be complied with and the representations of the petitioners would be disposed of in accordance with law.

5. Considering the facts and circumstance of the case and in view of the fact that the petitioners have been longing for regularization of their services having put in more than 14 years of service and already this Court vide order dated 28.06.2017 directed the authorities to consider the claim of the petitioners for regularization and without complying the same, the respondents have resorted to fill up the posts of Laboratory Technician Gr-II. This Court feels it appropriate to direct the respondents to consider the claim of the petitioners as made by them in their representations dated 24.10.2019 and pass appropriate orders in accordance with law and on merits, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above direction, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

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To

1. The Secretary,
Department of Health and Family Welfare,
Fort St. George,
Chennai - 600 009.
2. The Project Director,
Tamil Nadu State Aids Control Society
417, Pantheon Road, Egmore,
Chennai 600 008.
3. The Chairman,
Medical Services Recruitment Board,
Teynampet, Chennai - 600006.

+2 Ccs to Mr.C.Umashankar, Advocate sr 98565

+1 CC to Govt. Pleader sr 98939.

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SV(CO)

SP(10/01/2020)