



WEB COPY

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.No33065 of 2019

and

W.M.P.Nos.33499 and 33500 of 2019

P.Murugan

... Petitioner

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

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus, to direct the Respondents to consider the representation of the petitioner dated 31.10.2019 within a stipulated period.

For Petitioner : Mr.C.Umashankar

For Respondents-1 : Mr. A.N.Thambidurai,
Special Government Pleader

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

ORDER

These Writ Petitions has been filed by the petitioner praying for the issuance of a Writ of Mandamus, to direct the Respondents to consider the representation of the petitioner dated 31.10.2019 within a stipulated period.



2. According to the petitioner, he was appointed as Lab Technician in the Tamil Nadu State AIDS Control Society on 01.10.2005 on temporary basis and has 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 petitioner 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 his service was not regularized, the petitioner 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 service of the petitioner and again he 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 petitioner has made representation on 22.10.2019 seeking to consider their claim for regularization of their services. Since, no action is forthcoming from the respondents, the petitioner is before this Court.

3. The learned counsel for the petitioner would submit that without going into merits of the case since the representations made by the petitioner has been pending without any progress it would suffice if this Court directs the respondents and to consider and dispose of the representation made by the petitioner 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 petitioner 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 petitioner has been longing for regularization of his service 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 petitioner 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 petitioner as made by them in his representation dated 31.10.2019 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.

+1 CC to Mr.C.Umashankar, Advocate sr 98567

+1 CC to Govt. Pleader sr 98939.

W.P.No33065 of 2019

and

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SV(CO)
SP(10/01/2020)