

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.31516 of 2018

and

WMP.No.36735 of 2018

1.R.Karthikeyan

2. S.Malathy

...Petitioners

Vs

1. The Director of Medical & Rural Health Services,
Chennai - 600 005.

2. The Joint Director of Health Services,
Nagapattinam.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ or order or orders or direction particularly in the nature of Writ of Certiorarified Mandamus, calling for the impugned order of termination passed by the 2nd respondent in RC No.4099/E3/99 dated 14.05.2001 quash the same and consequently direct the respondents herein to regularize the petitioners herein as Pharmacist with consequential service benefits including conferment of selection grade on par with their juniors working as regular pharmacist under the respondents.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.A.N.Thambidurai
Spl.Govt.Pleader for R1& R2

O R D E R

The order of termination dated 14.05.2001 passed by the 2nd respondent is under challenge in the present writ petition.

2. The learned counsel for the writ petitioner states that, the writ petitioner was appointed as Pharmacist on temporary basis. However, the respondents had taken steps to terminate the services of the writ petitioner. An order of termination was also issued on 14.05.2001. The order impugned states that, the temporary appointment of the following Pharmacists are terminated with immediate effect. Pursuant to the said order, the writ petitioner was terminated from service.

3. The learned counsel for the writ petitioner states that, the writ petitioner originally filed OA.No.3398 of 2001, before the Tamil Nadu Administrative Tribunal and the order of termination was stayed by the Tribunal. It is stated that in the affidavit that the interim order granted by the Tribunal is still in force. The original application filed before the Tribunal was transferred before the High Court and now, the learned counsel for the writ petitioner states that, the original application transferred is misplaced. Even in such a case, the writ petitioner has to take steps to reconstruct the case papers and argue the matter.

4. Contrarily, the present writ petition cannot be entertained, in view of the fact that, the order of termination issued on 14.05.2001, is now challenged after a lapse of about 18 years on 12.10.2018. If at all the bundles are misplaced, the writ petitioner has to take appropriate steps by approaching the Registry, High Court and this Court is of an opinion that, the present writ petition after a lapse of 18 years deserves no consideration.

5. This apart, the writ petitioner was appointed on temporary basis. The order of appointment which is enclosed in Page No.10 of the typed set of papers, filed along with the writ petition, shows that the writ petition was appointed under Rule 10(a)(i) of the Tamil Nadu Medical Subordinate Services. One of the conditions stipulated in the order of appointment is that the appointment is made purely on temporary basis and he will be terminated from service at any time without giving any prior notice.

6. This being the nature of appointment, and the writ petitioner was terminated from service through order dated 14.05.2001, the present writ petition cannot be entertained and it is left open to the writ petitioner to work out his remedy in respect of the original application which is pending as per the

learned counsel appearing on behalf of the writ petitioner in the manner known to law.

7. With these observations, the writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

Pkn

To

1. The Director of Medical & Rural Health Services,
Chennai - 600 005.

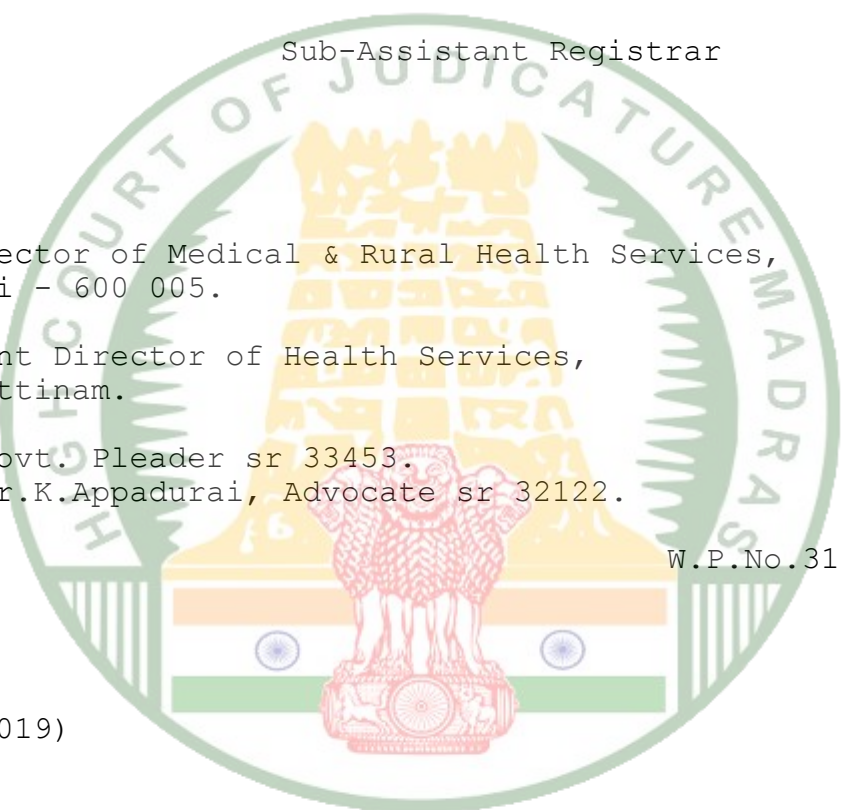
2. The Joint Director of Health Services,
Nagapattinam.

+1 CC to Govt. Pleader sr 33453.

+1 CC to Mr.K.Appadurai, Advocate sr 32122.

W.P.No.31516 of 2018

SKV(CO)
SP(09/05/2019)

The seal of the High Court of Judicature at Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion standing in front of it. The lion is facing forward and is flanked by two smaller lions. The entire emblem is set against a green background with a white border. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circular path around the central image. Below the seal, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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