



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **09.03.2020**
CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.1804 of 2020

M.Mahendran

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep by its Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St.George,
Chennai.
- 2.The Director of Medical Education,
No.167, E.V.R.Periyar Salai,
Kilapuk, Chennai-10.
- 3.Dean,
Thoothukudi Government Medical College,
Thoothukudi.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents to reinstate and regularize the service of the petitioner in the post of Lab Attendar in the third respondent Medical College Hospital in the light of G.O(Ms) No.325, Health and Family Welfare (C1) Department, dated 11.09.2017 based on petitioner's representation dated 18.06.2019 submitted through proper channel, i.e., to the third respondent in person within the time limit that may be stipulated by this Court.

For Petitioner	: Mr.G.Thalaimutharasu
For Respondents	: Mr.K.Mu.Muthu, Additional Government Pleader.

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus to direct the respondents to reinstate and regularize the services of the petitioner in the post of Lab Attendar in the third respondent Medical College Hospital in the light of G.O(Ms)No.325, Health and Family Welfare (C1) Department, dated 11.09.2017 and based on the petitioner's representation, dated 18.06.2019 submitted through proper channel, i.e., to the third respondent in person within the time limit that may be stipulated by this Court.



2.Mr.K.Mu.Muthu, learned Additional Government Pleader, takes notice for the second respondent. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

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3.The case of the petitioner is that the Government of Tamil Nadu established the Thoothukudi Medical College vide G.O.Ms.No.87, Health and Family Welfare Department, dated 04.03.1999. Subsequently, since there was a severe need for manpower in the category of basic service posts, the petitioner was appointed as Lab Assistant on 01.04.2003, as there was ban on public employment. Despite the ban was lifted by the Government in the year 2006 itself vide G.O.Ms.No.14, Personnel and Administrative Reforms Department, dated 07.02.2006, the respondents did not regularize the service of the petitioner and his service was extended in a time bound manner.

4.According to the petitioner, similarly placed persons like the petitioner, filed W.P(MD)No.15909 of 2012, seeking to regularize their service in the 3rd respondent College, and the same was ordered by this Court on 09.01.2015 and the writ appeal filed against the said order was also dismissed. Thereafter, the Government passed G.O.Ms.No.325, Health and Family Welfare (C1) Department, dated 11.09.2017 and regularized the service of the employees of the 3rd respondent Medical College by relaxing the relevant rules in favour of the employees. While so, the petitioner made a representation, dated 18.06.2019 to the respondents, requesting him to regularize his service by extending the benefit of the order passed by this Court in W.A(MD)No.743 of 2015, dated 22.04.2016 and G.O.Ms.No.325, dated 11.09.2017. Since, the same has not been considered so far, the petitioner has come up with the present writ petition.

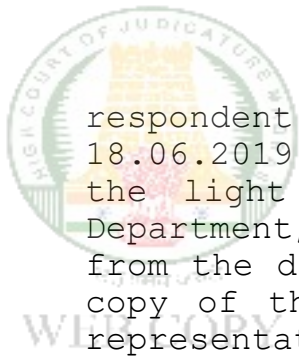
5.The learned counsel for the petitioner submitted that though the Government passed G.O.Ms.No.325, dated 11.09.2017 relaxing relevant rules in favour of the employees, the respondent did not regularize his service and therefore, he has a made a representation dated 18.06.2019, which was also not considered. Thus, he prayed to direct the 1st respondent to consider his representation in the light of the said Government Order.

6.The learned Government Advocate appearing for the respondents submitted that the first respondent would pass appropriate orders on the representation of the petitioner within the time frame to be fixed by this Court.

7.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

8.Considering the limited scope of prayer sought for, this Court, without advertent to the merits of the case, directs the 1st respondent to consider the representation of the petitioner within the time frame to be fixed by this Court.

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respondent to consider the representation of the petitioner, dated 18.06.2019 and pass orders on merits and in accordance with law, in the light of the G.O.Ms.No.325, Health and Family Welfare (C1) Department, dated 11.09.2017, within a period of eight (8) weeks from the date of receipt of a copy of this order. While sending the copy of this order, the petitioner shall enclose the copy of the representation, dated 18.06.2019 to the 1st respondent.

9.With the above directions, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

smn

To

- 1.The Secretary to Government,
Government of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Fort St.George,
Chennai.
- 2.The Director of Medical Education,
No.167, E.V.R.Periyar Salai,
Kilapuk, Chennai-10.
- 3.The Dean,
Thoothukudi Government Medical College,
Thoothukudi.

+1 CC to Mr.G.THALAIMUTHARASU, Advocate (SR-10852[F] dated 10/03/2020)

**ORDER MADE IN
W.P(MD)No.1804 of 2020
09.03.2020
(2/2)**

MK (20.03.2020) 3P 5C