



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2020

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)No.1586 of 2014

and

M.P(MD).Nos.2 to 4 of 2014

and

M.P(MD).No.1 of 2015

- 1.R.Uma Maheswari
- 2.N.Pandi
- 3.S.Rajaveeran
- 4.M.Ponammal
- 5.T.Kannan
- 6.T.Sakundala Devi
- 7.G.Sudalai

... Petitioners

Vs

1. The State of Tamil Nadu,
Represented by its Secretary,
Department of Health and Family Welfare,
Secretariate, Chennai.
2. The Special Secretary cum Project Director,
Directorate of Health and Family Welfare,
Tamil Nadu Health System Project,
Teynampet, Chennai-6.
3. The District Collector,
Madurai District,
Madurai.
4. The Government Rajaji Hospital,
Represented by its Dean,
Madurai,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order in R.e.f.No.9320/OHSS/TNHSP/MCH/2012 dated 20.10.2013 on the file of the respondent No.2 and its consequential order in Na.Ka.No.15168/Ni3/3/13 dated 23.10.2013 on the file of the respondent No.4 and quash the same as illegal.



For Petitioners : Mr.T.Lajapathiroy
For Respondents : Mr.D.Muruganandham
Additional Government Pleader

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ORDER

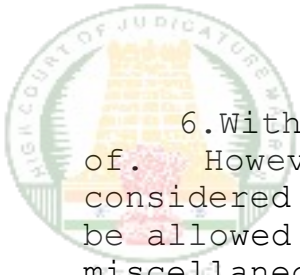
The Government Orders issued in G.O.Ms.No.325 and other consequential orders passed by the Department of Health and Family Welfare are under challenge in the present writ petition.

2.The learned counsel appearing on behalf of the writ petitioners mainly contended that the writ petitioners were engaged as a Hospital Workers and Sanitary workers and they are working in the Government Rajaji Hospital, Madurai. Though these writ petitioners are working for many years, their services are yet to be regularized. The learned counsel appearing for the writ petitioners made a submission that the petitioners are qualified and therefore, their services are to be confirmed.

3.The learned Additional Government Pleader appearing on behalf of the respondents made a submission that now the hospital workers are out-sourced and their employment is provided to outsourcing method. This Court is of the considered opinion that the outsourcing of Hospital Workers are already confirmed by the Government. Thus, there is no impediment for continuing the outsourcing methods and as far as the writ petitioners are concerned, due to Covid-19 situation, they are permitted to work till their representations are considered.

4.This Court is of the considered opinion that the appointments can never be claimed as a matter of right. The regularization is to be granted strictly in accordance with the rules in force. Equal opportunity in public employment is the constitutional mandate. Now, it is brought to the notice of this Court that the petitioners are still continuing in service and more specifically, actively performing their duties on account of Covid-19 situation. This apart, all the petitioners are continuing in service, based on the interim orders passed by this Court. Under these circumstances, considering the pandemic situation, all the writ petitioners shall be allowed to continue in service, till their representations are considered regarding their grievances.

5.The writ petitioners are permitted to submit their representations setting out all the details along with documents to the second respondent and on receipt of such representations from the writ petitioners, the second respondent is directed to consider the same on merits and in accordance with the Rules in force and pass orders within a period of twelve weeks from the date of receipt of the representations from the writ petitioners.



6. With the above directions, this Writ Petition stands disposed of. However, it is made clear that till the representations are considered and final order is passed, all the writ petitioners shall be allowed to continue in service. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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To

1. The Secretary,
Department of Health and Family Welfare,
Secretariat, Chennai.
2. The Special Secretary cum Project Director,
Directorate of Health and Family Welfare,
Tamil Nadu Health System Project,
Teynampet, Chennai-6.
3. The District Collector,
Madurai District,
Madurai.
4. The Dean,
Government Rajaji Hospital,
Madurai,
Madurai District.

+1 CC to Mr. T. LAJAPATHI ROY, Advocate SR-19288.

+1 CC to the SPL GP SR-19340.

W.P (MD) No. 18611 of 2014

and

M.P. (MD) .No. 1 of 2014

01.07.2019

SCR (CO)

CS (13.10.2020) 3P 7C