



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2020

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P. (MD) No.26810 of 2019

WEB COPY

Raju

... Petitioner

/Vs./

1.State of Tamil Nadu,
rep., by its Secretary,
Public Health and Family Welfare Department,
Fort St.George, Chennai 600 009.

2.The Planning Director (NRHMS),
National Rural Health Project,
Chennai 600 006.

3.The Director,
Public Health and Preventive Medicine,
Chennai 600 006.

4.The Deputy Director of Health Services
Public Health Office,
Tirunelveli,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the third respondent to absorb the petitioner as a permanent worker for the post of Cleaner cum Attendant.

For Petitioner
For Respondents

: Mr.J.David Ganeshan
: Mr.M.Jeyakumar

Additional Government Pleader

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. The prayer in the present writ petition is for a direction to third respondent to absorb the petitioner as a permanent worker for the post of Cleaner cum Attendant.

3. The decision as to whether the petitioner is entitled for absorption as a permanent worker is vested with the third respondent herein, based on the petitioner's eligibility and other essential criterias required for permanent absorption and therefore, this Court would not be justified in considering the prayer sought for.

4. The petitioner seems to have given a representation to the Hon'ble Chief Minister of Tamil Nadu through a joint representation of aggrieved Cleaners and Attendants of the Primary Health Centres.



Such a representation cannot be considered to be a proper representation, since the authority to whom the representation has been addressed is not a proper authority and the group of persons ventilating the grievances of an individual is also improper.

5. Nevertheless, if the petitioner herein is granted liberty to give a representation to the third respondent seeking for such absorption, with consequential direction to the third respondent to consider the same within a stipulated time, the ends of justice could be secured.

6. In the light of the above observations, the petitioner is granted liberty to give a representation to the third respondent herein ventilating his grievances and on receipt of the same, the third respondent herein shall consider the same on its own merits and take further course of action in accordance with law, within a period of eight (8) weeks from the date of such representation.

7. It is made clear that this Court has not expressed any of its views on the merits of the petitioner's claim for absorption and that the respondents are at liberty to consider the petitioner's representation independently. This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

- 1.The Secretary,State of Tamil Nadu,
Public Health and Family Welfare Department,
Fort St.George, Chennai 600 009.
- 2.The Planning Director (NRHMS),
National Rural Health Project,Chennai 600 006.
- 3.The Director,
Public Health and Preventive Medicine,
Chennai 600 006.
- 4.The Deputy Director of Health Services,
Public Health Office,Tirunelveli,
Tirunelveli District.

Order made in
W.P.(MD)No.26810 of 2019
Dated: 07.02.2020