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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

WRIT APPEAL NO.2336 OF 2021

1. The Government of Tamil Nadu,
Rep. by Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai-600 009.
 2. The Deputy Director of Health Services,
Tirupattur,
Vellore District - 635 601.
 3. The Director of Public Health and
Preventive Medicines,
Chennai - 600 006. ... Appellants
- vs.
- C.Nandhakumar ... Respondent

Writ Appeal filed under Clause 15 of Letters Patent against the order dated 12.07.2021 passed by this Court in W.P.No.32145 of 2019.

W.P.No.32145 of 2019:-

Writ Petition filed under Article 226 of the constitution of India, praying to issue a writ of certiorarified mandamus calling for the records on the file of the first respondent in letter No.8824/AB-1/2016-2, dated 04.04.2016 quash the same and direct the respondents to regularize the services of the petitioner as per the representations dated 04.03.2019 and 08.04.2019

For Appellants : Mr.K.Tippu Sultan,
Government Advocate

For Respondent : Mr.S.N.Kirubanandam



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respondents therein into service, who are similarly placed as that of the respondent herein. That apart, the Apex Court has also rejected the plea of the Government with regard to regularisation and that regularisation has been ordered to one V.Madhu in SLP No.28359-28361/2019.

6. De hors the aforesaid two orders, the Government is still relying on Umadevi's case, which leads us to assume that the Government is only been to disengage such employees so as to deprive their regularisation in service. As observed earlier, insofar as the appointment of the Writ Petitioner is concerned, the selection process could be termed as irregular, but certainly, not illegal.

7. Hence, We are of the view that the order of the learned single Judge needs to be confirmed and the Writ appeal is to be dismissed.

8. One of us, (SVNJ) had elaborately dealt with the issue of permanency in the case of P.Paramasivam and others Vs. the Management of Madurai Corporation, Madurai and others (W.P.(MD)No.14148 and 16595 of 2013 dated 03.09.2018).

9. It is made clear that if the Writ Petitioner is not in employment at present, on the principle of "No Work, No Pay", the wages need not be paid to him taking into account the pandemic situation. The Appellants are directed to provide a Regular Employment to the Writ Petitioner on and from 01.12.2021 by treating the past period as a continuous one for the purpose of terminal benefirs.

10. With the above observation and direction, this Writ Appeal is dismissed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vum

To

+1cc to Mr.S.N.Kirubanandam, Advocate, S.R.No.47137

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NR (CO)

CS/08/11/2021