



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.01.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P.[MD].No.1610 of 2022

and

W.M.P.[MD].No.1399 of 2022

1.K.Abraham
2.Ajantha Kumari
3.Jacintha Mary
4.Jeyanthi
5.Edwin Jose
6.Selvi
7.Shylaja

... Petitioners

Vs.

The Dean
Kanniyakumari Medical College and Hospital,
Asaripallam-629 201,
Kanniyakumari District.

...Respondent

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to permit the petitioners to join the work as per the Agreement of Contract appointment of Multi purpose Hospital worker under the Chief Minister's Health Insurance Scheme, Kanniyakumari Government Medical College Hospital dated 01.09.2021 and pay the admissible salary and pass suitable orders.

For Petitioners : Mr.A.Sivasubramanian

For Respondent : Mr.S.Saji Bino
Special Government Pleader

O R D E R

This Writ Petition has been filed seeking a direction to the respondent to permit the petitioners to join duty as per the Agreement dated 01.09.2021.



2. Mr.A.Sivasubramanian, learned counsel appearing for petitioners submits that the petitioners were appointed as Lab Attenders, pursuant to an agreement dated 01.09.2021 and they are working continuously. While so, on 24.12.2021, when the petitioners reported to duty, the respondent did not permit them and provide any work as per the agreement. As per clause (ii) of the Agreement, the duration of the contract is 11 months starting from 01.09.2021, subject to the satisfactory of job performance and the conditions for termination of contract are also stated in clause (6) of the agreement as follows:

"VI. TERMINATION OF CONTRACT

24. Your engagement with Kanyakumari Government Medical College Hospital, Asaripalam will stand terminated if you are absent for seven working days or more, continuously from duty without taking permission from the competent authority.

25. Your engagement will be automatically terminated if you join any other organization or take up any assignment without obtaining the prior permission of the competent authority.

26. Your engagement with Kanyakumari Government Medical College Hospital, Asaripalam, will stand terminated if you, by any means, will try to bring any undue influence on your higher authority.

27. Kanyakumari Government Medical College Hospital, Asaripalam, may terminate the contract before completion if your performance is unsatisfactory.

28. Kanyakumari Government Medical College Hospital, Asaripalam, may terminate your services if you have committed irregularities and impropriety of administrative and financial nature, negligence of care, unsafe practices, inefficiency and insincerity, professional misconduct or false reporting of information or fabrication of data in the maintained records, or any other inappropriate action as prescribed by the CMCHIS."

3. The learned counsel further submits that the respondent has not stated any reason for not permitting the petitioners to join duty, as per clause (6) of the agreement dated 01.09.2021. Hence, the petitioners are before this Court.

4. Mr.S.Saji Bino, learned Special Government Pleader takes notice for the respondent.

5. Considering the limited relief sought for in the present writ petition, this Court is inclined to dispose the writ petition with a direction to the respondent to consider the case of the petitioner in light of the agreement dated 01.09.2021 and take a decision within a period of four weeks from the date of receipt of a copy of this Order.



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6. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Deputy Registrar (LA&MC)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

To

The Dean
Kanniyakumari Medical College and Hospital,
Asaripallam-629 201,
Kanniyakumari District.

+1 CC to M/s.SPL.GP (SR-3155[F] dated 31/01/2022)

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28.01.2022

RK(18/03/2022) 3P 3C