



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.03.2022

CORAM:

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

W.P.(MD)No.1056 of 2022

and

W.M.P(MD)Nos.887 and 889 of 2022

Ananthi Jothi

... Petitioner

Vs.

1. The State of Tamil Nadu,
represented by its Principal Secretary to Government,
Health and Family Welfare Department,
Chennai-600 009.
2. The Director,
Department of Public Health and Preventive Medicine,
Chennai-600 018.
3. The District Collector,
Thoothukudi District @ Thoothukudi.
4. The Commissioner,
Thoothukudi Municipal Corporation,
Thoothukudi.
5. The Chair Person,
City Health Society,
Thoothukudi.
6. The City Health Officer,
Urban Primary Health Centre,
Ganesh Nagar, Thoothukudi,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from in anyway preventing the petitioner from functioning as Urban Health Nurse in the 6th respondent Health Centre, where she was working until 31.12.2021 and consequently permit her to do her duty without any interruption with all monetary benefits and continuity of service by considering the representation given by her dated 31.12.2021 within the period stipulated by this Court.



For Petitioner
For Respondents

: Mr.N.Sathish Babu
: Mr.J.Ashok,
Additional Government Pleader

ORDER

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The relief sought for in the present writ petition is to forbear the respondents from in anyway preventing the petitioner from functioning as Urban Health Nurse in the sixth respondent Health Centre, where she was working until 31.12.2021 and consequently permit her to do her duty without any interruption with all monetary benefits and continuity of service, by considering the representation given by the petitioners dated 31.12.2021.

2.The petitioner in their own affidavit has categorically stated that the order of appointment has been issued by a Private Man Power Agency called AMK-Man Power Services and an order of appointment was issued on 01.03.2016.

3.Though the appointment was made temporarily, it was intended to be made permanently. The mere statement made by the petitioner that the initial appointment was made by the outsourcing agency on temporary basis, cannot be taken into consideration. This being the factum, the petitioner is not entitled to seek any relief against the Government Department and if at all he is aggrieved, he seek relief before the private agency, who engaged him in the manner known to law.

4.With the above observations, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar(CS)

To

1. The Principal Secretary to Government,
Health and Family Welfare Department,
Chennai-600 009.
2. The Director,
Department of Public Health and Preventive Medicine,
Chennai-600 018.



3. The District Collector,
Thoothukudi District @ Thoothukudi.
4. The Commissioner,
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TP (CO)

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