



W.P.(MD) No.4792 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.4792 of 2021

and

W.M.P. (MD) Nos.3918 & 3919 of 2021

WEB COPY

P.Balakumaran

... Petitioner

vs.

1.State of Tamilnadu
rep.by its Secretary to Government
Health Department
Secretariat, St.George Fort
Chennai-9

2.The District Collector
Dindigul District
Collectrate, Dindigul

3.The Head HR
GVK-Emergency Management and
Research Institute
D.M.S.Campus
Anna Salai, Teynampet
Chennai-600 006

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for records pertaining to the Termination order passed against the petitioner by the 3rd respondent dated 27.01.2021 and quash the same and consequently direct the 3rd respondent to re-instate the petitioner as Pilot of the 108 Ambulance Vehicle in the Dindigul District based on the petitioner's representation dated 10.02.2021.

For Petitioner : Mr.Gomathi Shankar.G.

For Respondents : Mr.N.Satheesh Kumar

Additional Government Pleader for R1 & R2

Mr.J.Anandkumar for R3

O R D E R

The order of termination, dated 27.01.2021, passed by GVK-Emergency Management and Research Institute / third respondent, which is a Private Outsourcing Agency, is under challenge in this writ petition.



2. The petitioner was engaged as driver by the third respondent and on account of certain allegations, he was terminated from service.

3. The learned counsel appearing for the third respondent mainly contended that the third respondent is a Private Outsourcing Agency and pursuant to the contract with the Government Departments, they are engaging drivers to operate Ambulance Vans at various places and therefore, the writ petition is not maintainable.

4. This Court is of the considered opinion that the third respondent is not a State within the meaning of Article 12 of the Constitution of India. Admittedly, the third respondent is an Outsourcing Agency, who engaged the petitioner as driver to operate Ambulance Vans. If at all the third respondent initiated any action, then the petitioner has to approach either the Labour Court of the competent Civil Court, as the case may be, for the purpose of redressal of his grievance.

5. In the present case, the petitioner was engaged as driver by the third respondent, an Outsourcing Agency, and therefore, he is at liberty to approach the Labour Court or the competent Civil Court for the purpose of redressal of his grievance in the manner known to law. In such an event, the period, during which the writ petition was pending before this Court, is to be taken into consideration for the purpose of condoning the delay, if any, and the issues are to be decided on merits and in accordance with law, as expeditiously as possible.

6. With the above liberty, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

1.The Secretary to Government,
Health Department,
State of Tamilnadu,
Secretariat, St.George Fort,
Chennai-9.



2.The District Collector,
Dindigul District,
Collectrate, Dindigul.

+1 CC to M/s.J. ANANDKUMAR, Advocate (SR-17248[F] dated
07/04/2022)

+1 CC to M/s.G. GOMATHI SANKAR, Advocate (SR-17267[F] dated
07/04/2022)

+1 CC to M/s.SPL.GP (SR-17493[F] dated 08/04/2022)

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MGJ(20.04.2022) 3P 6C