



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.7913 of 2021
and W.M.P(MD).No.6040 of 2021

P.Lalitha

... Petitioner

Vs.

1. The Deputy Director of Health Services,
Sankarankovil, Tenkasi District
- 2 The Block Medical Officer
Block Primary Health Centre,
Kuruvikulam,
Sankaran Kovil, Tenkasi District
- 3 The Director
Athencottasan Muthamizh Kazhagam,
AMK-Man Power Services,
41, Vellalar Colony West,
Near Collector's Office, Nagercoil-629 001.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, call for the records pertaining to the impugned order passed by the 2nd respondent vide Na.Ka.No.12/Aasuni/2019 dated 30.11.2020 and quash the same as illegal and consequently direct the respondents to reinstate the petitioner as Accounts Assistant at Block Primary Health Centre, Kuruvikulam Sankarankovil, Tenkasi District.

For Petitioner : Mr.R.Pon Karthikeyan

For Respondents : Mr.A.K.Manikkam
Special Government Pleader
for RR1 and 2
No-appearance for R3



O R D E R

The order dated 30.11.2020 passed by the second respondent is under challenge in the present Writ Petition.

2. The petitioner was appointed as Accounts Assistant under National Rural Health Mission (NRHM) scheme at Block Primary Health Centre, Kuruvikulam, by Outsourcing Agency/third respondent herein namely AMK-Man Power Services. The petitioner joined as Outsourcing employee on 10.07.2014 and consolidated pay of Rs.8,500/- was fixed. The service of the petitioner was ousted on the ground that the petitioner was frequently absent unauthorizedly, without prior approval of the Authorities.

3. The learned Special Government Pleader made a submission that the petitioner was continuously absent on many occasions and not performing her duties. Thus, the Department found that the petitioner is not fit to continue as outsourcing employee.

4. The service of the petitioner is not connected with the Government service as she was engaged by private outsourcing Agency. The third respondent is the AMK-Man Power Services and the petitioner was not appointed by following the Rules applicable to the Government Department. Thus, the petitioner has no right to continue in the Government Department as her appointment was not in accordance with the Recruitment Rules applicable to the Government Department. In fact, the petitioner was appointed through the private Outsourcing Agency. Thus, she has no right to claim appointment in the Government Department.

5. Accordingly, the Writ Petition stands dismissed. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

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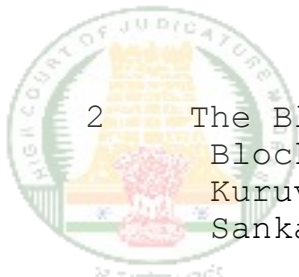
/ /2022

Sub Assistant Registrar(CS)

ssb

To

1. The Deputy Director of Health Services,
Sankarankovil, Tenkasi District.



2 The Block Medical Officer
Block Primary Health Centre,
Kuruvikulam,
Sankaran Kovil, Tenkasi District

3 The Director
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AMK-Man Power Services,
41, Vellalar Colony West,
Near Collector's Office, Nagercoil-629 001.

+1 CC to M/s.R.PONKARTHIKEYAN, Advocate (SR-10908[F] dated
09/03/2022)

W.P.(MD) No.7913 of 2021
08.03.2022

_RD(23.03.2022) 3P 5C