



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

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Orders Reserved On 18.04.2022	Orders Pronounced On 21.04.2022
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W.P. (MD) No.17036 of 2021

and

W.M.P. (MD) Nos.13967 & 13968 of 2021

1. S.Valarmathi
2. C.Vijendiradurai
3. S.Arockia Raj
4. K.Arokia Arul Viji
5. N.Bharathy
6. A.Chithupandi
7. S.Christy Florina
8. K.Jeya Seetha
9. M.Kamali
10. M.Selvi

.. Petitioners

-vs-

1. The State of Tamil Nadu,
Rep., by its Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai-9.

2. The Director of Public Health and Preventive Medicine,
O/o. Directorate of the Public Health and Preventive Medicine,
DMS Compound, Teynampet, Chennai-6.

3. The Deputy Director of Health Service,
O/o. The Deputy Director of Health Service,
Sivagangai, Sivagangai District.

.. Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records relating to the impugned termination order passed by the 3rd respondent in his proceedings in ந.க.எண் .7669/A3/2021 dated 01.09.2021 in so far as the petitioners are concerned and quash the same as illegal

For Petitioners : Mr.Ajmal Khan, Senior Counsel
for M/s.Ajmal Associates

For Respondents : Mr.A.K.Manikkam,
Special Government Pleader



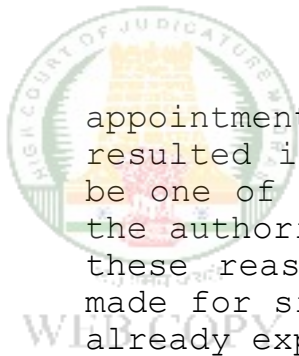
O R D E R

This writ petition has been filed challenging the cancellation of contract appointment of the petitioners as Pharmacists. The petitioners are possessing Diploma in Pharmacy (D.Pharm) and duly registered with the Tamil Nadu Pharmacy Council. During COVID-19 pandemic, the Government appointed the petitioners as temporary Pharmacists on contract basis on consolidated pay. All the petitioners were appointed and joined in July, 2021. While so, the Government issued the order impugned dated 01.09.2021, cancelling the contract appointment based on the interim order passed in W.P.No.15155 of 2021 dated 28.07.2021.

2. The learned Senior Counsel appearing on behalf of the petitioners mainly contended that all the petitioners are fully qualified for appointment to the post of Pharmacist. They were temporarily appointed as Pharmacists on consolidated pay on contract basis. The period of contract was for six months and all the petitioners were posted in Government Primary Health Centres. When the contract is made for six months, merely based on the interim order granted in some other writ petition, questioning the appointment, the appointments of the petitioners were cancelled without any valid reason. Thus, the interim order of this Court in W.P.No.15155 of 2021 was misconstrued by the authorities and the order of cancellation of appointment was made without any valid grounds. Thus, the order is to be set aside.

3. No doubt, the petitioners were appointed as temporary Pharmacists on contract basis on consolidated pay. The period of contract was for six months during COVID-19 pandemic period. Consolidated pay of Rs.12,000/- per month was fixed. The order of appointment unambiguously stipulates that it is a temporary appointment on contract basis and will be cancelled without any further notice. The appointment is purely temporary and the petitioners have no right to claim any further regular appointment and their services are liable for termination without any notice and without assigning any reason. Accepting the terms and conditions of the appointment, the petitioners have joined.

4. No doubt, this Court granted an interim order in a writ petition. However, that writ petition or the interim order cannot be construed as the only implication in respect of the terms and conditions of the appointment. Even if the authorities have referred the interim orders of this Court, even as per the terms and conditions of the order of appointment, they are empowered to terminate the services of the writ petitioners, as it was purely temporary and the services can be terminated without any notice and without assigning any reasons. The terms and conditions of the contract appointment are unambiguous and when the authorities competent have invoked the terms and conditions for cancelling the



appointment, the petitioners cannot say that the interim order resulted in such cancellation. However, such an interim order may be one of the reasons and even in the absence of any interim order, the authorities are empowered to cancel the appointment. Beyond all these reasons, the fact remains that the contract appointment was made for six months from July, 2021 and the period of six months had already expired.

5. The learned Senior Counsel appearing on behalf of the writ petitioners brought to the notice of this Court that the respondents have taken a policy decision to fill up 622 vacancies of Pharmacists and in this regard, a recruitment notification was also issued on 01.04.2022.

6. This being the factum, the petitioners can participate in the process of recruitment, pursuant to the notification dated 01.04.2022 for the purpose of securing appointment to the post of Pharmacist in accordance with the recruitment rules in force. Contrarily, this Court cannot consider the claim of the writ petitioners for their continuance as contract Pharmacists, since the period of six months had already expired and further, the authorities are empowered to invoke the terms and conditions of the contract appointment at any point of time during the period of contract.

7. For all the above reasons, the petitioners are at liberty to participate in the process of selection for appointment to the post of Pharmacist pursuant to the notification already issued by the competent authority on 01.04.2022 for the purpose of securing regular employment.

8. Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

To

1. The Principal Secretary to Government,
The State of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Chennai-9.

<https://hcservices.ecourts.gov.in/hcservices/>



2. The Director of Public Health and Preventive Medicine,
O/o. Directorate of the Public Health and Preventive Medicine,
DMS Compound, Teynampet, Chennai-6.

3. The Deputy Director of Health Service,
O/o. The Deputy Director of Health Service,
Sivagangai, Sivagangai District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-20033[F] dated
21/04/2022)

+1 CC to M/s.SPL.GP. (SR-20489[F] dated 22/04/2022)

W.P.(MD) No.17036 of 2021
21.04.2022

RK(29/04/2022) 4P 6C