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W.A.No.762 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.06.2023

CORAM

THE HON'BLE Mr. JUSTICE R. MAHADEVAN
AND
THE HON'BLE Mr. JUSTICE MOHAMMED SHAFFIQ

W.A.No.762 of 2023
and
CMP. No. 7415 of 2023

S.Suresh Jothi Kumar

.. Appellant

Vs.

1.Director of Public Health and Preventive Medicine
DMS Campus
Chennai 600 006

2.Deputy Director (State Public Health Laboratory)
Office of Director of Public Health and Preventive Medicine
DMS Campus
Chennai 600 006

.. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent Act, against the order dated 24.08.2022 passed in W.P.No.13195 of 2015.

For Appellants : Mr.N.G.R.Prasad
for M/s.Row and Reddy

For Respondents : Mr.Stalin Abhimanyu
Additional Government Pleader



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JUDGMENT

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(Judgment of the court was delivered by R. MAHADEVAN, J.)

This Writ Appeal arises from the order dated 24.08.2022 passed by the learned Judge in W.P.No.13195 of 2015.

2. Brief facts of the case are as follows :

The appellant was appointed as Microbiologist *vide* proceedings dated 23.02.2011 of the 1st respondent and posted in the Government District Headquarters Hospital, Ramanathapuram District, on contract basis for a period of one year. However, he was continuing in service without any break, even after the contractual period. While so, he was transferred to Dindigul District. Thereafter, he was terminated by an order dated 09.04.2015, citing the reason that he has failed to carry out the duties specified in terms of reference of the contract. Questioning the correctness of the termination order dated 09.04.2015, the appellant filed W.P.No.13195 of 2015. The learned Judge, by order dated 24.08.2022, set aside the termination order, however observing that the authority has no impediment to relieve the appellant on expiry of the period of contract. Challenging this finding of the learned Judge, the appellant is before this Court with the present appeal.



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3. Today, when the matter was taken up for consideration, the learned Additional Government Pleader appearing for the respondents, on instructions, submitted that there is no prohibition for the appellant to work by signing the agreement as required in the appointment order.

4. In a riposte, the learned counsel for the appellant submitted that the appellant is inclined to sign the agreement, without prejudice to his rights and claims in respect of salary.

5. The above submission of the learned Additional Government Pleader as well as the learned counsel for the appellant is recorded. The respondent authorities shall permit the appellant to continue to work on signing the agreement as envisaged in the Appointment Order. However, we are not expressing any view in respect of the appellant's claim for regularisation and the same may be considered by the authorities concerned on merits, as and when the claims of similarly placed persons are considered.

6. Accordingly, this writ appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D,J.] [M.S.Q, J.]
15.06.2023

Internet : Yes
Neutral Citation : Yes/No
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R. MAHADEVAN, J.
AND
MOHAMMED SHAFFIQ, J.

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To

1. Director of Public Health and Preventive Medicine
DMS Campus
Chennai 600 006

2. Deputy Director (State Public Health Laboratory)
Office of Director of Public Health and Preventive Medicine
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