



WEB COPY



W.P.No.10379 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HON'BLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.10379 of 2024

1.S.Hariharan
2.M.Sivakumar

... Petitioners

Vs.

- 1.The Government of Tamil Nadu,
Rep by its Secretary,
Health and Family Welfare Department,
Fort St.George,
Chennai – 9.
- 2.The Director,
Public Health and Preventive Medicine,
Chepauk, Chennai – 5.
- 3.The Managing Director,
Tamil Nadu Medical Service Corporation,
DMS Compound, Chennai – 6.
- 4.The Deputy Director of Health Service,
Nagapattinam and District.
- 5.The Block Medical Officer,
Block Government Primary Health Centre,
Thiruthuraipoondi,
Nagapattinam District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, to consider the petitioners representation dated 12.03.2024 and to consequently direct the respondents to reinstate the petitioners with continuity of service, back wages and all other attendant benefits.

For Petitioners : Mr.P.Vijendran

For Respondents : Mr.M.Bindran
Additional Government Pleader

ORDER

This writ petition is filed to consider the petitioners representation dated 12.03.2024 and to consequently direct the respondents to reinstate the petitioners with continuity of service, back wages and all other attendant benefits.

2. The learned counsel appearing on behalf of the petitioner would submit that the petitioner was working from 2001-2008 continuously for a period of more than 7 years. Ultimately, after the earlier proceedings culminated in the order dated 13.02.2019 the Hon'ble Division Bench of this Court in W.A.No.2308 of 2013, in which it was directed that the petitioners



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services can be considered to be out sourced by the private agencies by giving necessary age relaxation etc. Even the said benefit is not extended to them.

Hence, the writ petition.

3. I have considered the said rival submissions made on either side and have perused the materials placed on record.

4. Ultimately, the relief prayed for in the representation is to reinstate the petitioners with continuity of service back wages and all other benefits. On a perusal of the earlier order passed, the said relief virtually stands negated and the only window opportunity granted to the petitioners is to move the respondents so as to get employment through outsourcing agencies. The present prayer to consider the representation for reinstatement cannot be granted. If the petitioner feels that the earlier order of the Hon'ble Division Bench of this Court dated 13.02.2019 is not implemented by the respondents, it is always open for them to seek enforcement through appropriate proceedings.



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WEB COPY 5. With the said liberty, this Writ Petition stands disposed of. No costs.

17.04.2024
($\frac{1}{2}$)

Index: Yes
Speaking Order: Yes
Neutral Citation: No
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D.BHARATHA CHAKRAVARTHY, J.

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