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W.P.No.12677 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.12677 of 2021

S.Malathi

...

Petitioner

/vs/

1. The Principal Secretary,
Health and Family Welfare Department,
Secretariat,
Chennai – 600 009.

2. The Director,
Medical and Rural Health Services,
Chennai – 600 006.

3. The Joint Director of Health Services,
Nagapattinam District,
Nagapattinam

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus to direct the respondents to regularize the petitioner's service as Pharmacist in Government Hospital, Porayar, under the administrative control of third respondent from the date of initial appointment on 26.01.2001 with all service and monetary benefits.

For Petitioner ... No appearance



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For Respondents ... Mr.T.Chezhiyan
Additional Govt. Pleader

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ORDER

Heard Mr.T.Chezhiyan, the learned Additional Government Pleader for the respondents. There is no representation for the petitioner.

2. The petitioner has filed this writ petition seeking a writ of mandamus directing the respondents to regularize the petitioner's service as "Pharmacist" in Government Hospital, Porayar, under the administrative control of third respondent from the date of his initial appointment on 26.01.2001 with all service and monetary benefits.

3. The petitioner has been appointed temporarily under Rule 10(a)(1) of Tamil Nadu Medical Subordinate Service to the post of "Pharmacist" through an order dated 12.01.2001. However the petitioner's services have been terminated with effect from 14.05.2001. Thereafter, the petitioner preferred an Original Application before the Tamil Nadu Administrative Tribunal in O.A.No.3395 of 2001 and obtained an order of stay and thereafter she was reinstated into service on 30.05.2001. But so far the



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petitioner's services have not been regularized. The third respondent has forwarded the petitioner's representation for regularization to the second respondent with his recommendation letter dated 22.02.2005. In fact, the petitioner had also filed a writ petition in W.P.No.30758/2014 to consider her representation. Similarly placed persons who have filed writ petitions in W.P.(MD) Nos.7803, 7963 and 8175 of 2005 have been regularized subsequently. Hence the petitioner had once again gave a representation on 19.01.2018 to consider his length of service and regularize her. However so far the respondents have not considered the representation of the petitioner and passed any orders.

4. Mr.T.Chezhiyan, the learned Additional Government Pleader, submitted that the petition has been filed after a lapse of 18 years despite she was terminated on 14.05.2001.

5. The petitioner claims to be in continuous employment by virtue of the order of the Tamil Nadu Administrative Tribunal. Since similarly placed persons like the petitioner have been regularized, the petitioner can also be considered subject to the policy of the Government and the rules governing



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the regularization of similarly placed persons.

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6. Accordingly, this writ petition is disposed with a direction to the respondents to consider the petitioner's representation dated 19.01.2018 and pass appropriate orders by taking into consideration of the policy of the Government and the rules governing the regularization of similarly placed persons and also in the light of the earlier orders passed in favour of such similar persons. No costs.

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Index: Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

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R.N.MANJULA ,J.

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