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W.P.No.37925 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.37925 of 2024

D. Durai

...Petitioner

Vs

1. The Government of Tamil Nadu
Represented by its Secretary,
Department of Health and Family Welfare,
Fort St.George, Chennai – 600 009.

2. The Project Director,
Tamil Nadu State Aids Control Society
417, Pantheon Road, Egmore,
Chennai – 600 008.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to regularise the service of the petitioner in the post of Laboratory Technician Grade-II by considering the representation dated 15.10.2024 sent by the petitioner and pass orders.

For Petitioners

: Mr.C. Uma Shankar

For Respondents

: Mr.M. Bindran

Additional Government Pleader

ORDER



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By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.The petitioner has filed this writ petition to issue a Writ of Mandamus to regularise the service of the petitioner in the post of Laboratory Technician Grade-II by considering the representation dated 15.10.2024 sent by the petitioner and pass orders.

3.The facts of the case is that the petitioner was appointed as Lab Technician in The Tamil Nadu Aids Control Society on 21.02.2006. The grievance of the petitioner is that after 18 years of service his services was not regularized, inspite of the fact that he is eligible to regularize in the service based on G.O.Ms.No.151 dated 13.02.2008. It is pertinent to note that eventhough petitioner's appointment was on contractual basis he is entitled for regularization as per the above Government Order and on the basis of the letter of the Ministry of Health and Family Welfare, New Delhi dated 04.08.2014. Therefore, the petitioner filed W.P.No.28926 of 2015 before this Court and the same was disposed on 15.09.2015 with a direction to consider the representation of the petitioner and pass orders



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within a period of six weeks. However, the said direction was not complied by the respondents, due to which the petitioner made another representation to the respondents on 15.10.2024 and the same was also pending till date. Hence, this petition.

4. When the matter is taken up for hearing today the learned Additional Government Pleader appearing for the respondents submitted that they have already rejected the claim of the petitioner.

5. At this juncture the learned counsel for the petitioner sought permission of this Court to challenge the rejection order passed by the Respondent.

6. In view of the submission made by the learned counsel for the petitioner, this Court grants liberty to the petitioner to file another petition challenging the rejection order passed by the Respondent.

7. With the above directions, this Writ Petition stands disposed of.



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No order as to costs.

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Index: Yes/No
Speaking order/Non-speaking order
smn

To.

1. The Government of Tamil Nadu
Department of Health and Family Welfare,
Fort ST.George, Chennai – 600 009.

2. The Project Director,
Tamil Nadu State Aids Control Society
417, Pantheon Road, Egmore,
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V.BHAVANI SUBBAROYAN,J.



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