



W.P.(MD)No.13494 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.08.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.13494 of 2021

and

W.M.P.(MD)Nos.10447, 10450 of 2021 & 22207 of 2023

M.Sivarajan

... Petitioner

/Vs./

- 1.The State of Tamilnadu,
Rep. by its Secretary,
Department of Health and Family Welfare,
Fort St. George, Chennai-600 009.
- 2.The State of Tamil Nadu,
Rep. by its Secretary,
Department of Social Welfare and Nutritious Meal Programme,
Fort St.George, Chennai-600 009.
- 3.Director for the Welfare of Differently Abled
/ State Commissioner For Person With Disabilities,
No.5, Kamarajar Salai, Chenani-600 005.
- 4.The Director of Medical And Rural Health Service,
DMS Complex, Teynampet,
Chennai-600 010.
- 5.The Project Director,
State NCD (Non Communicable Disease) Cell,



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DMS Complex, Teynampet,
Chennai-600 006.

6.The Joint Director of Medical and Rural Health Service,
Nagercoil, Kanyakumari District.

7.The Deputy Director of Health Service,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the 4th respondent in vide Ref.No. 24404/E2/2/2017 dated 24.06.2021, Quash the same, and further direct the 4th respondent Directorate to regularize forthwith the petitioner's service w.e.f. the date of his appointment viz., 18.11.2005 with all attendant benefits and allowances in the light of the GO(Ms)No.151 (Social welfare and Nutritious Meal Programme -SN4) dated 16.10.2008.

For Petitioner : Mr.K.Prabhu

For Respondents : Mrs.D.Farjana Ghoushia

Special Government Pleader

ORDER

This writ petition has been filed challenging the order dated 24.06.2021 passed by the fourth respondent rejecting the petitioner's



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request for regularization of his services with effect from the date of appointment, namely, 18.11.2005 with all attendant benefits and allowances in light of G.O.Ms.No.151, Social welfare and Nutritious Meal Programme (SN4), dated 16.10.2008.

2. Under the impugned order, for the reason that the petitioner is not eligible to be regularized as per G.O.Ms.No.151, Social welfare and Nutritious Meal Programme (SN4), dated 16.10.2008, the petitioner's request has been rejected.

3. Admittedly, Tamilnadu Health Systems Project was formed temporarily with the World Bank assistance for development of government hospitals in Tamilnadu, from the funds of the World Bank. It is also an admitted fact that the petitioner was temporarily appointed on contract basis for a period of one year with payment of Rs.4,000/- through proceedings dated 15.11.2005 of the Joint Director of Health Services and Family Welfare, Nagercoil.



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4. The Government Order in G.O.Ms.No.151, Social welfare and Nutritious Meal Programme (SN4), dated 16.10.2008, which the petitioner relies upon will not apply to the case of the petitioner due to the fact that the petitioner was appointed temporarily on contract basis for a period of one year through proceedings of the Joint Director of Health Services and Family Welfare, Nagercoil on 15.11.2005 and his appointment is not a permanent appointment.

5. Further, it is noted that the Tamilnadu Health Systems Project was temporarily formed with the World Bank Assistance for development of government hospitals in Tamilnadu. The relaxation discloses in G.O.Ms.No.151, Social welfare and Nutritious Meal Programme (SN4), dated 16.10.2008 is left with the discretion of the respondents, for which approval from the Secretary to the Government of Tamilnadu has to be obtained. In the case on hand, no such approval was obtained to provide the relief to the petitioner as sought for in this writ petition.

6. For the foregoing reasons, this Court is of the considered view that G.O.Ms.No.151, Social welfare and Nutritious Meal Programme



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(SN4), dated 16.10.2008 does not apply to the case of the petitioner.

Therefore, there is no infirmity in the order passed by the fourth respondent. There is no merit in this writ petition and this writ petition is dismissed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

27.08.2024

Index : Yes / No
NCC : Yes / No
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TO:-

- 1.The Secretary,
Department of Health and Family Welfare,
Fort St. George, Chennai-600 009.
- 2.The Secretary,
Department of Social Welfare and Nutritious Meal Programme,
Fort St.George, Chennai-600 009.
- 3.Director for the Welfare of Differently Abled
/ State Commissioner For Person With Disabilities,
No.5, Kamarajar Salai, Chenani-600 005.
- 4.The Director of Medical And Rural Health Service,
DMS Complex, Teynampet,
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- 5.The Project Director,
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DMS Complex, Teynampet, Chennai-600 006.



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ABDUL QUDDHOSE, J.

Sm

6.The Joint Director of Medical and Rural Health Service,
Nagercoil, Kanyakumari District.

7.The Deputy Director of Health Service,
Nagercoil,
Kanyakumari District.

Order made in
W.P.(MD)No.13494 of 2021

Dated:
27.08.2024