



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2025

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CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

WP No. 17211 of 2008

and

W.M.P.No.2 of 2008

1. P.Venkatesan (Sweeper)
Pallatheru, Kollakaraivadi,
Deviakpuram, Tiruvannamalai District.

2.C.Ganesan (Sweeper)
Main Road Perumangalam,
Sengalipuram Po.,
Kudavasal Taluk, Tiruvarur District.

3.R.Asaithambi (Sweeper)
No.15 Kollai Theru,
2nd Lane South Railway Gate,
Nagapattinam.

4.S.Rajendran (Sweeper)
Vettupillai Mudukku Theru,
Rameswaram, Ramnad District.

5.A.Gnankani (Sweeper)
Vembar Road, Vilathikulam,
Thoothukudi District.

Petitioner(s)



Vs

1. The Secretary to Government
Health and Family Welfare Department,
Fort St. George, Chennai 600 009.

2. The Director of Public Health
and Preventive Medicine,
Government of Tamil Nadu,
359 Anna Salai, Teynampet, Chennai
600 006.

3. The Director of Medical and
Rural Health Services,
Government of Tamil Nadu,
359 Anna Salai, Teynampet, Chennai
6.

4. The Director of Medical and
Rural Health Services (ESI),
Government of Tamilnadu,
359 Anna Salai, Teynampet, Chennai
600 006.

5. The Director of Family
Welfare Department,
Government of Tamilnadu,
359 Anna Salai, Teynampet, Chennai
600 006.

6. The Director of Medical
Education,
Government of Tamilnadu,
Kilpauk, Chennai 600 010.

7. The Managing Director



Tamilnadu Medical Services
Corporation Ltd,
Egmore, Chennai 600 008.

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8.The Medical Officer
Primary Health Centre,
Mekkalur, Polur Taluk,
Thiruvannamalai District.

9.The Principal and Dean
Thuthukudi Government Medical
College and Hospital,
Thuthukudi.

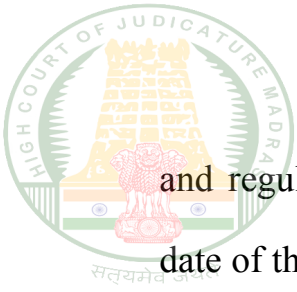
10.The Principal and Dean
Thiruvarur Government Medical
College and Hospital, Thiruvarur.

11.The Dean
Nagaipattinam Government District
Hospital, Nagaipattinam.

12.The Dean
Thoothukudi Medical College Hospital,
Thoothukudi.

Respondent(s)

Prayer: This Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records connected with the G.O.Ms.No.59 dated 15.02.2008 issued by the 1st respondent and quash the same and further direct the 1st respondent to absorb



and regularize the services of the petitioners in Government service from the date of their appointment.

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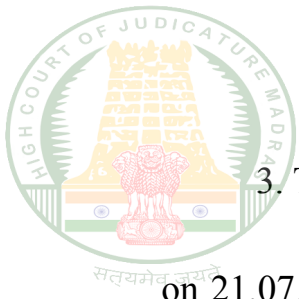
For Petitioners Ms.G.P.Arivuchudar

For Respondents No appearance

ORDER

This Writ Petition has been filed seeking a writ of Certiorarified Mandamus, to call for the records connected with the G.O.Ms.No.59 dated 15.02.2008 issued by the first respondent, whereby the claim of the petitioners for absorption was negatived and also sought for a consequential direction to the respondents to regularise the petitioners in Government Services from the date of initial appointment.

2. All the petitioners herein were appointed by way of outsourcing and working in the office of the respondents and they claim for the regularisation of the service from the date of initial appointment and the same was negatived by the respondents/State by issuing the impugned order.



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3. This Court, while entertaining the writ petition passed the interim order on 21.07.2008, taking into consideration of the order passed in the similar writ petition vide W.P.No.13001 of 2008 dated 17.08.2011. The said writ petition namely W.P.No.13001 of 2008 was also filed seeking an identical relief for absorption into service of the employees who were engaged on outsourcing basis. The said writ petition was finally dismissed by a coordinate Bench of this

Court vide order dated 17.08.2011, whereby this Court held as under:

“19. Whether employees who are engaged through contractors [outsourcing agencies] can claim as a matter of right absorption against the principal employer came to be considered by the Supreme Court in its judgment in Steel Authority of India Limited and others v. National Union Waterfront Workers and others, [2001] 7 SCC 1. It was held by the Constitutional Bench of the Supreme Court that the Hight Court under Article 226 of the Constitution of India cannot grant such direction and directed the parties to move the appropriate Labour Court either for the abolition of the contract labour or for contending that the employment was sham and nominal and therefore, they can make a claim directly against the principal employer.”

4. In the light of the above, the present Writ Petition, which is also filed seeking an identical relief, cannot be entertained. It is for the petitioners to work out the remedy by approaching the appropriate Labour Court either for the abolition of the contract labour or by contending that the employment by



outsourcing was sham and nominal and they cannot make a claim directly

against the principal employer before this Court under Article 226 of the

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Constitution of India.

5. Following the order passed in W.P.No.13001 of 2008 dated 17.08.2011, this Writ Petition is also dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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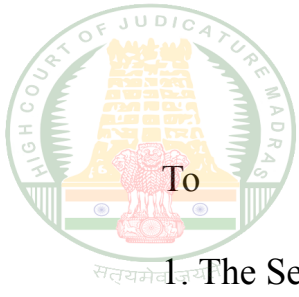
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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



To

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