



W.A.No.3404 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE SHAMIM AHMED

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1. The Director of Medical and Rural Health Services
Chennai – 600 006.
2. The Joint Director of Health Services
Nagapattinam District.
3. The Superintendent
Govt. District Head Quarters Hospital
Nagapattinam. .. Appellants

Vs.

K.Sumathi .. Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent against
the order made in W.P.No.18846 of 2018 dated 19.03.2024.

For the Appellants : Ms.M.Sneha
Special Counsel

For the Respondents : Mr.V.Chandrasekaran

JUDGMENT

(Judgment of the Court was made by R.SURESH KUMAR, J.)

This intra-Court appeal has been directed against the order
passed by the Writ Court dated 19.03.2024 made in W.P.No.18846
of 2018.



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2. The respondent/writ petitioner was appointed on the basis of the qualification of Diploma in Pharmacy, as sponsored by the Employment Exchange in the year 2001 by following G.O.Ms.No.105, Health and Family Welfare Department dated 03.05.2000. However, with regard to the regularization issue, it has not been considered and she was not regularized. Therefore, she sought such relief, which was turned down by the order dated 14.10.2001.

3. The said order was challenged before the Writ Court and the Writ Court has allowed the said writ petition through the impugned order by giving directions to the appellants to regularize the services of the respondent/writ petitioner with all consequential monetary benefits from the date of appointment.

4.1. Though this appeal has been filed by the appellant Department, the learned Special Counsel appearing for the appellants has fairly submitted that, when the similar issue has come up for consideration before a Division Bench of this Court in W.A.No.2689 of 2025, the Division Bench passed orders on 11.09.2025, where, *inter alia*, the Division Bench has passed the following orders:-



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"5. We have carefully considered the submissions of the learned counsel on either side and perused the records placed before us.

6. It is not disputed that the writ petitioner/respondent was appointed as Pharmacist in the year 2001 pursuant to a list sponsored by the Employment Exchange. It is also not in dispute that the writ petitioner/respondent possessed the requisite qualifications for appointment to the said post. The reason assigned for the termination of his services was that the appointment had been made by overlooking seniors registered with the District Employment Exchange. It is also on record that disciplinary action was taken against the officers concerned who were involved in the said irregularities, and they were imposed with the punishment of compulsory retirement. However, it is significant to note that the writ petitioner/respondent himself was never served with any notice nor was he given an opportunity to show cause before the impugned termination order dated 14.05.2001 was passed.

7. The learned Single Judge, after considering these aspects, rightly came to the conclusion that the termination order was violative of the principles of natural justice. Furthermore, the learned Single Judge took into account that the writ petitioner/respondent, by virtue of the interim orders passed by the Tamil Nadu Administrative Tribunal, had continued in service without interruption since 2001, and as on date, had completed more than two decades of blemish-free service. On these considerations, the learned Single Judge set aside the termination order and directed regularisation of his services.

8. We are in full agreement with the findings of the learned Single Judge. The termination of the writ petitioner/respondent's services without affording an opportunity of hearing is a clear



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violation of the principles of natural justice. In addition, the fact that the writ petitioner/respondent has continuously discharged his duties as a Pharmacist for over 23 years without any adverse record, reinforces the justification for the order passed by the learned Single Judge. We, therefore, find no illegality or infirmity in the impugned order warranting interference by this Court in intra~Court appeal jurisdiction.

9. In the result, the writ appeal stands dismissed as devoid of merits. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs."

4.2. By relying upon this order, the learned Special Counsel fairly submitted that, since already the appellant Department suffered with the said order at the hands of the Division Bench in W.A.No.2689 of 2025, no other go, the same fate has to face the present appeal also.

5. We have heard *Mr.V.Chandrasekaran*, learned counsel appearing for the respondent also.

6. In view of the order that has already been passed in W.A.No.2689 of 2025 by a Division Bench of this Court dated 11.09.2025, where one of us (RSKJ) is a party, as we have extracted hereinabove, we are not inclined to interfere in the



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present appeal, therefore, it is liable to be dismissed and hence, it is dismissed with the similar orders, extracted hereinabove, passed on 11.09.2025 in W.A.No.2689 of 2025. For compliance of the order impugned, two months' time is granted.

7. Accordingly, the writ appeal is dismissed. However, there shall be no order as to costs. Consequently, C.M.P.No.27748 of 2025 is closed.

(R.S.K., J.) (S.S.A., J.)
02.12.2025

Speaking Order/Non-Speaking Order
Neutral Citation:Yes/No
Internet:Yes/No
Index:Yes/No

(drm)

To:

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R. SURESH KUMAR, J.
AND
SHAMIM AHMED, J.
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