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W.P. No.7362 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.7362 of 2015
and
W.M.P.No.27746 of 2016

K.Karthigeyan

... Petitioner

Vs.

- 1.The State of TB Officer/Additional Director of
Medical and Rural Health Services (TM)
Chennai – 600 006.
- 2.The District TB Control Society
Rep. by the Chairman/District Collector,
Vellore District,
Vellore.
- 3.The Deputy Director of Medical Services (TB)
cum-Member Secretarty,
District Health Society
Vellore.
- 4.Government of Tamil Nadu
Rep. by Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai – 600 0009.



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5.Dr.Raja Sivanandam, MBBS., DTCD.,
Deputy Director of Medical Services (TB)
cum-Member Secretary,
District Health Society
Vellore.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records on the file of the third respondent in Pro.No.210/2014 dated 03.04.2014 and Pro.Na.Ka.No.210/Mau.Na.Sa./2013 dated 25.06.2013, and to quash the same and to issue consequential directions to the respondents to regularise the petitioner and to renew his contract appointment as DOTS plus HIV-TB Supervisor, District TB Control Society, Vellore, with effect from 06.06.2013 onwards and to regularise his services as Senior Treatment Supervisor with effect from 01.07.2004 and as DOTS Plus HIV-TB Supervisor from 01.07.2011 onwards with consequential benefits.

For Petitioner : Mr.M.Ravi

For R1 to R4 : Mr.K.Tippu Sultan
Government Advocate

ORDER

This writ petition has been filed seeking writ of certiorarified mandamus calling for the records in connection with proceedings No.210/2014 dated 03.04.2014 and proceedings in Na.Ka.No.210/Mau.Na.Sa./2013 dated 25.06.2013 and to quash the same and sought for a consequential direction to the respondents to regularise the



services of the petitioner and to renew his contract of appointment as DOTS plus HIV-TB Supervisor, District TB Control Society, Vellore with effect from 06.06.2013 onwards and to regularise his services as Senior Treatment Supervisor with effect from 01.07.2004 and as DOTS Plus HIV-TB Supervisor from 01.07.2011 onwards with all consequential benefits.

2. Through proceedings dated 25.06.2013, the petitioner was initially appointed as Senior Treatment Officer under TB Control programme in Vellore District on 01.07.2004 on contract basis for a period of one year and thereafter, the said contract period was renewed from time to time. On 01.06.2011, the petitioner was appointed as Senior DOTS plus and TB HIV Supervisor, through proceedings, dated 01.06.2011, issued by the Deputy Director of Medical Services (TB), District TB Centre, Vellore on monthly consolidated pay of Rs.15,000/- for a period of one year. The said contractual services of the petitioner came to an end on 05.06.2013 and thereafter, the same was not renewed. At that stage, aggrieved by the non-renewal of the said contract, and the proceedings dated 25.06.2013, the petitioner approached this Court by filing W.P.No.2178 of 2014 seeking renewal of his contract with effect from 06.06.2013. However, when the matter came up for



consideration, the relief was restricted only to the extent of consideration of representation submitted by the petitioner to the respondents, and accordingly, the said writ petition was disposed of by an order dated 11.02.2014. It was pursuant to the said order, the petitioner submitted a representation dated 12.03.2014 before the respondents, and the said representation was considered and the claim of the petitioner was rejected by passing an order in proceedings No.210/2014 dated 03.04.2014. It is aggrieved by the said proceedings dated 03.04.2014, the petitioner approached this Court by filing the present writ petition.

3. Mr.M.Ravi, learned counsel for the petitioner strenuously contended that, from the perusal of the impugned order it is noticed that, it is because of the performance and certain other activities of the petitioner, the respondents refused to extend the period of contract of the petitioner, but no opportunity is afforded to the petitioner before concluding that the petitioner is not entitled for extension of his contract. Thus, it is contended that the action of the respondents in not renewing the contract is in violation of principles of natural justice. He also further contended that the Government had issued G.O.Ms.No.335, Health and Family Welfare (EAP.1/2)



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Department, dated 15.10.2008, providing for absorption of Contract Laboratory Technicians/Laboratory Supervisors working for more than five years in the Revised National Tuberculosis Control Programme (RNTCP) in the Public Health Department in the post of Laboratory Technician, Grade-III, and the said scheme for absorption was also implemented by the Director of Public Health and Preventive Medicine, Chennai and therefore, the petitioner who is also employed in the Tuberculosis Control Programme is entitled for absorption of his services.

4. As seen from the impugned order and the counter affidavit filed by the respondents, the services of the petitioner have been assessed from time to time and admittedly, the contractual employment of the petitioner which commenced on 01.07.2004 was renewed from time to time till the year 2013, and it is only in the year 2013, the respondents, on noticing certain misconduct on the part of the petitioner in the matter of discharging his duties and also acting against the interest of the District Administration, intended to terminate the contractual employment of the petitioner. But no such steps have been taken for termination of contractual employment of the petitioner, and it is only on conclusion of contract period, the respondents have chosen



not to renew the contractual employment of the petitioner.

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5. As admittedly, the employment of the petitioner is purely on contractual basis for a specific period, the petitioner cannot be permitted to complain violation of the principles of natural justice. In case, if the contractual employment of the petitioner was terminated before the expiry of the contract period without following due process of law, then the petitioner may have a case to complain violation of the principles of natural justice, but that is not the case on hand. Therefore, the petitioner has no right to compel the respondents to renew the contract unless the petitioner has got substantive right to continue in the said post. Admittedly, the employment of the petitioner is purely on contractual basis. Therefore, this Court is unable to find fault with the action of the respondents in refusing to renew the contractual employment of the petitioner.

6. Then, coming to the claim of the petitioner for absorption or regularisation of the services in the respondent Department is concerned, it is now settled law that unless there is a specific scheme or provision providing regularisation or absorption of services on temporary or contractual



employment, this Court cannot direct regularisation or absorption, as the same would amount to violation of Article 14 and 16 of the Constitution of India as held by the Hon'ble Apex Court in the case of ***State of Karnataka Vs. Uma Devi*** reported in ***(2006) 4 SCC 1***. Following the decisions of the Hon'ble Apex Court in Uma Devi's case, the learned Division Bench of this Court also recently in W.A.No.2138 of 2019 and batch by an order dated 13.06.2024 held as under:

“11. The Government has implemented the judgment of the Constitution Bench in Uma Devi's case. Therefore, grant of regularisation, permanent absorption in violation of the legal principles settled by the Hon'ble Supreme Court is impermissible. However, the Government in respect of daily rated employees granted special time scale of pay subject to eligibility. In this regard, the respondents are at liberty to submit a fresh representation for grant of special time scale of pay if they are otherwise eligible under the Government orders. In the event of submitting any such representation, the same is to be considered strictly in accordance with the Government orders and the Government policy in the matter of grant of special time scale of pay to the daily rated / casual employees engaged by Government Department.”

7. In the light of the above settled legal position and in the absence of any scheme providing for absorption or regularisation of the services of the contractual employees like the petitioner, there is no vested right in the



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petitioner to claim for renewal of the contract. In the circumstances, this Court does not find any error or illegality in the impugned order passed by the respondents and accordingly, the writ petition is dismissed. The connected miscellaneous petitions, if any, shall stand closed. No costs.

23.01.2025

Index : Yes/No
Speaking Order : Yes/No
dpa

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