



W.P.No.40890 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:29.10.2025

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.40890 of 2025
and W.M.P.No.45839 of 2025

The Tamilnadu Ilavasa Amaras Oorthy matrum

Thai sei Nalla Oorthy Thozilallar Munnettra Sangam,
Rep.by its General Secretary Mr.P.Rajesh,
Bharathiyar Nagar, 5th north Street,
Cumbum,

... Petitioner

Vs

1.The State of Tamil Nadu,
Rep by its Principal Secretary,
Department of Health and Family Welfare Department,
Chennai-9.

2.The Project Director,
The Tamil Nadu Health System Project,
3rd Floor, DMS Annex New Building,
359, Anna Salai, Teynampet,
Chennai-600 009.

3.The State Head Operations,
GVK Emergency Management Research Institute,
DMS Complex, Teynampet,



W.P.No.40890 of 2025

Chennai-600 006.

4.The Human Resources Manager,
GVK Emergency Management Research Institute,
DMS Complex, Teynampet,
Chennai-600 006.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the Respondents to implement the conditions through an Memorandum of Understanding as per G.O.(Ms) No.119 Human and Family Welfare (EAPI-1) dated 04.04.2022 by considering the representation submitted by the petitioner union dated 25.08.2025.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.E.Sundaram,
Government Advocate for R-1

: Mr.M.R.Gokul Krishnan,
Standing Counsel for RR-2 to 4

ORDER

This Writ Petition has been filed seeking a direction to the Respondents to implement the conditions through an Memorandum of Understanding as per



W.P.No.40890 of 2025

G.O.(Ms) No.119 Human and Family Welfare (EAPI-1) dated 04.04.2022 by

considering the representation submitted by the petitioner union dated 25.08.2025.

2. Mr.E.Sundaram, learned Government Advocate takes notice on behalf of the 1st respondent and Mr.M.R.Gokul Krishnan, learned Standing Counsel takes notice on behalf of respondents 2 to 4.

3. Brief facts that are necessary for disposal of this Writ Petition are:-

It is the case of the petitioner that all the members of the Petitioner Union had been working as Driver in Free Hearse Services, in Indian Red Cross Society and thereafter, their services were swapped to the 3rd respondent by way of fresh appointment with effect from 01.09.2021 initially for a period of two years through G.O.(Ms).No.581 dated 24.12.2024 and it has been further extended for another period of five years from 02.02.2022 vide G.O.(Ms.).No.119 dated



W.P.No.40890 of 2025

04.04.2022. Vide the said G.O., the Government had imposed certain conditions

with the 2nd and 3rd respondent upon their proposal. Whiles, the 3rd respondent has initiated a reboarding process to newly open an account for Gratuity and EPF for their employees contrary to G.O.(Ms) No.119. Hence, the petitioner union had addressed a representation to the 1st respondent on 25.08.2025 seeking to implement the conditions as per G.O.(Ms).No.119 since new accounts for Gratuity and EPF would grossly affect the benefits of the employees. However, no action has been taken on the same so far. Hence, the petitioner has come up with the present Writ Petition.

4. Learned counsel appearing for the petitioner submits that it would suffice if this Court issues a direction to the respondents to consider the petitioner's representation dated 25.08.2025 and pass appropriate orders on the same within the time that may be stipulated by this Court.

5. Learned standing counsel appearing for respondents 2 to 4 submitted that Policy was framed and the benefits for the ambulance drivers has been deposited with the respective authorities.



W.P.No.40890 of 2025

6. This Court considered the contentions advanced by the learned counsel appearing on either side and perused the materials available on record.

7. According to the petitioner, the benefits for the employees like Gratuity, EPF should be in terms with G.O.(Ms).No.119 dated 04.04.2022 and they want the respondents to implement the benefits on the basis of the aforesaid Government Order. However, it is to be pointed by the learned Government Advocate that a policy has been framed by the Government and the benefits accruing on the said policy framed has been deposited with the concerned authorities, the petitioner cannot seek literal enforcement of a Government Order through a writ petition, when the policy, which is framed is not claimed to be not in the terms of the aforesaid G.O. This Court cannot adjudicate on disputed questions of fact and further the policy framed by the Government is not put in issue before this Court.

8. In such a backdrop, no direction as sought for can be issued to the respondents and the submission of the learned standing counsel with regard to framing of a policy is recorded. Accordingly this Writ Petition is dismissed granting liberty to the petitioner to ventilate his grievance with regard to the



W.P.No.40890 of 2025

policy framed before the appropriate judicial forum in the manner known to law.

Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.

29.10.2025

Index : Yes / No

Speaking Order / Non-speaking order

Neutral Citation Case : Yes / No

Nhs



WEB COPY



W.P.No.40890 of 2025

M.DHANDAPANI, J

Nhs

To

1.The Principal Secretary,
State of Tamil Nadu,
Department of Health and Family Welfare Department,
Chennai-9.

2.The Project Director,
The Tamil Nadu Health System Project,
3rd Floor, DMS Annex New Building,
359, Anna Salai, Teynampet,
Chennai-600 009.

3.The State Head Operations,
GVK Emergency Management Research Institute,
DMS Complex, Teynampet,
Chennai-600 006.

4.The Human Resources Manager,
GVK Emergency Management Research Institute,
DMS Complex, Teynampet,
Chennai-600 006.

W.P.No.40890 of 2025
and W.M.P.No.45839 of 2025



WEB COPY



W.P.No.40890 of 2025

29.10.2025