

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. Nos.18561 of 2015
and 847 of 2014

M.Muralitharan .. Petitioner in both WPs.

-vs-

- 1.The Union of India,
Rep. By its Chief Secretary to Govt.,
Chief Secretariat, Govt. of Union
Territory of Puducherry, Puducherry.
- 2.The Secretary to Government,
Dept. of Personnel and Administrative
Reforms, Govt. of Union Territory of
Puducherry, Puducherry.
- 3.The Secretary to Government (Housing)
Chief Secretariat, Govt. of Union Territory
of Puducherry, Puducherry.
- 4.Puducherry Slum Clearance Board,
Rep. By its Chief Executive Officer,
No.106, Pallivasal Street, Periyar Nagar,
Savanapet, Puducherry 605 005.
- 5.The Chief Town Planner
Town and Country Planning Department,
Puducherry.
- 6.R.Ravichandran
Chief Executive Officer,
Puducherry Slum Clearance Board,
No.106, Pallivasal Street,
Periyar Nagar, Savanapet,
Puducherry 605 005.

WEB COPY

7.P.Karthikeyan
Chairman,
Puducherry Slum Clearance Board,
No.106, Pallivasal Street,
Periyar Nagar, Savanapet,
Puducherry 605 005.

8.Puducherry Slum Clearance Board
Employees Welfare Association,
Rep. By its Vice President, G.Routtirane.
(R-8 impleaded as per order of court
dt.11.07.2016 in WMP.17380/2016)

.. Respts. in WP.18561/2015

- 1.The Union of India,
Rep. By its Secretary to Govt.,
Industries Department, Govt. of
Union Territory of Puducherry,
Puducherry.
- 2.The Secretary to Government,
Dept. of Personnel and Administrative
Reforms, Govt. of Union Territory of
Puducherry, Puducherry.
- 3.The District Collector,
Revenue Complex, Saram,
Govt. of Union Territory of Puducherry,
Puducherry.
- 4.The Puducherry Distilleries Ltd.,
Rep. By its Managing Director,
Villianur, Puducherry.

5.K.Kumarakrishnan
Managing Director,
Puducherry Distilleries Limited,
Villianur, Puducherry. .. Respts. in WP.857 of 2014

Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus (WP.18561 of 2015) to direct the respondents 1 to 3 to take appropriate action on the complaint of the petitioner dated 26.05.2015 against the illegal and backdoor appointment in the 4th respondent Board made by the 6th and 7th respondents in accordance with law, including appropriate criminal action and consequently direct providing of employment only by way of merit; (WP.857 of 2014) to direct the respondents 1 to 3 to take appropriate action on the complaint

of the petitioner dated 19.12.2013 against the 4th and 5th respondents in accordance with law, including appropriate criminal action and consequently direct providing of employment only by way of merit.

For Petitioner : Mr.Bharath
for M/s.Sai Bharath and Ilan

For Respondents
WP.18561/2015 : Mr.M.Govindaraj
Govt. Pleader (P), for RR 1,2,3&5
: Mr.L.Swaminathan for RR 4,6 & 7
: Mr.R.Dhanasekar for R-8
WP.857/2014 : Mr.M.Govindaraj
Govt. Pleader (P), for RR 1 to 3
: Mr.T.P.Manohar, Sr.C.
For Mr.K.P.Jotheeswaran
for RR 4 and 5.

COMMON ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The common question which arises for consideration in these writ petitions is the mode of employment by the State of Puducherry or various authorities / commercial organizations functioning under the State of Puducherry.

2.It is conceded on behalf of the respondents that in view of the settled legal position and the past judicial orders, there can be no regular employment other than through a proper channel. However, the grievance is being made that on a project basis, persons are employed, who continue for the tenure of the project, which often lasts for years. This position is also not denied.

3.We are of the view that the employment on a project basis also cannot be left to the whim and fancy of the officer concerned or as being alleged on a recommendation of a political person. There must be procedure prescribed how, for project based recruitment, would the persons be deployed.

4.We, thus, direct the framing of a policy in respect of such project based recruitment also so that everyone is aware of the same and it is carried out in a transparent manner. The exercise be undertaken within a period of two (2) months from today and the policy be placed before this Court.

5.Writ petitions are disposed of with the aforesaid directions. No costs.

6.List for compliance on 23.09.2016.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

sra

To

- 1.The Chief Secretary to Govt.,
Union of India,
Chief Secretariat, Govt. of Union
Territory of Puducherry, Puducherry.
- 2.The Secretary to Government,
Dept. of Personnel and Administrative
Reforms, Govt. of Union Territory of
Puducherry, Puducherry.
- 3.The Secretary to Government (Housing)
Chief Secretariat, Govt. of Union Territory
of Puducherry, Puducherry.
- 4.Chief Executive Officer ,
Puducherry Slum Clearance Board,
No.106, Pallivasal Street, Periyar Nagar,
Savanapet, Puducherry 605 005.
- 5.The Chief Town Planner, Town and
Country Planning Department, Puducherry.
- 6.The Secretary to Govt. of India,
Industries Department, Govt. of
Union Territory of Puducherry,
Puducherry.
- 7.The District Collector,
Revenue Complex, Saram,
Govt. of Union Territory of Puducherry,
Puducherry.

8. The Managing Director
Puducherry Distilleries Ltd.,
Villianur, Puducherry.

Copy to

The Section Officer
Writ Section
High Court,
Madras (for reporting compliance on 23.09.2016)

W.P.Nos.18561 of 2015
and 847 of 2014

MG (CO)
kk 23/7



WEB COPY