

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.12096 OF 2007

ORDER:

Questioning the proceedings dated 14.05.2007, whereby the 4th respondent was posted in his place, the petitioner invoked the jurisdiction of this Court under Article 226 of the Constitution of India and by order in W.P.M.P. No.15476 of 2007 dated 15.06.2007, this Court suspended the impugned proceedings. As a result thereof, the petitioner continues to work with the respondent-corporation at Vijayanagaram.

In the counter affidavit filed by the Managing Director, it is stated that the petitioner was engaged as an attender-cum-electrician from a placement agency on 21.09.2004; the 1st respondent ratified the action of the 2nd respondent in engaging the petitioner as an attender-cum-electrician in his office through the placement agency; and he can be removed at any time without notice as he was engaged on a temporary basis through the said placement agency. It is further stated that, whenever employees are required, their services are engaged through a placement agency; and there was no employee, employer-employee relationship between the corporation and the petitioner. No reply affidavit is filed thereto.

Sri D. Krishna Murthy, Learned Counsel for the petitioner, would however contend that even the 4th respondent has been appointed through a placement agency. There is, however, no such averment, in the writ affidavit, in this regard. As the respondents have denied existence of an employer-employee relationship, it is evident that

the petitioner has no right to claim that he should be continued in the services of the corporation of which he is not even an employee. The fact, however, remains that, in view of the interim order passed by this Court, he is said to be working with the corporation even as on date.

I consider it appropriate, therefore, to dispose of the Writ Petition directing the Managing Director of the corporation to consider whether or not to continue the services of the petitioner, even if it be from an outsourcing/placement agency, within two months from the date of receipt of a copy of this order. Any decision, which the Managing Director of the respondent corporation shall take with respect to engaging the services of the petitioner, shall be communicated to him within two weeks thereafter. The Writ Petition stands disposed of accordingly. The miscellaneous petitions pending, if any, shall also stand disposed of. No costs.

RAMESH RANGANATHAN, ACJ

Date: 17.09.2016

MRKR