

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.10963 OF 2010

ORDER:

The action of the respondent in withdrawing the services of the petitioners with effect from 01.10.2009, and in not sponsoring them for their services being hired on 3rd party contract basis against the vacant posts through out sourcing agency in the community health centre from 01.10.2009 onwards, is questioned in this Writ Petition as being arbitrary and illegal.

By the proceedings of the Deputy Civil Surgeon, Community Health Centre, S. Kota in September, 2009, the 5th respondent was informed that the services of certain staff members, hired through them on third party contract basis, was being withdrawn with effect from 01.10.2009 due to expiry of the contract period by 30.09.2009. The petitioners are, admittedly, employees engaged by the 5th respondent. Their contract of employment is only with the 5th respondent, and not with the other respondents herein. Any grievance which the petitioners may have, regarding their services not being continued, can only be against the 5th respondent; and consequent on withdrawal of the third party contract with effect from 01.10.2009, respondents 1 to 4 are no longer obligated to continue the services of employees of the 5th respondent. I do not see any illegality in the action of the respondents in not continuing the services of the petitioners herein after 01.10.2009.

Sri A. Gopalakrishnamacharyulu, Learned Counsel for the petitioners, would however submit that, even for the period they

worked, the petitioners were not paid salaries for certain duration. If that be so, it is but appropriate that the petitioners are permitted to submit a representation in this regard to respondents 1 to 4, who shall consider the said representation, and pass necessary orders regarding payment of salaries for the period the petitioners services were utilized earlier, in accordance with law within two months from the date of receipt of the representation.

With the aforesaid directions, the Writ Petition is disposed of. The miscellaneous petitions pending, if any, shall stand closed. No costs.

Date: 04.11.2016.

MRKR

RAMESH RANGANATHAN, ACJ

