

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.Nos.7288 and 7289 of 2017

E.Palani Petitioner in W.P.No.7288
of 2017

S.Yesudoss Petitioner in W.P.No.7289
of 2017

-vs-

- 1.The Registrar,
Central Administrative Tribunal,
Madras Bench, High Court Campus,
Chennai-600 104.
- 2.Union of India, rep.by
The Chief Postmaster General,
Tamil Nadu Circle,
Anna Salai, Chennai-600 002.
- 3.The Superintendent,
Railway Mail Service,
RMS 'T' Division,
Tiruchirappalli-620 001. Respondents in both the
W.Ps.

W.P.No.7288 of 2017 filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari calling for the concerned records relating to the impugned order dated 23.11.2016 given in O.A.No.1792 of 2013 passed by the first respondent and quash the same.

W.P.No.7289 of 2017 filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari calling for the concerned records relating to the impugned order dated 23.11.2016 given in O.A.No.1830 of 2013 passed by the first respondent and quash the same.

For Petitioner :: Mr.S.Ramaswamyrajarajan
in both W.Ps.

For Respondents :: Mr.V.Balasubramanian for
in both W.Ps. R2 and R3

COMMON ORDER

(Order of the Court was made by
HULUVADI G.RAMESH, J.)

The petitioners have filed these writ petitions challenging the order passed by the first respondent-Tribunal in O.A.Nos.1792 and 1830 of 2013, respectively, dated 23.11.2016.

2.The petitioners in these writ petitions are working under the third respondent as casual labourers with effect from 01.09.1993. On coming to know of the order dated 27.01.2011 to fill up the vacancies of Multi Tasking Staff, they made representations on 04.04.2012 to the third respondent to consider their case for appointment as Multi Tasking Staff (MTS) in the 25% quota. Since there was no response, they filed applications before the first respondent-Tribunal in O.A.Nos.1792 and 1830 of 2013, against which the Tribunal passed a common order on 23.11.2016 rejecting their prayers. Hence these writ petitions.

3.The learned counsel appearing for the petitioners has submitted that the Tribunal has erred in dismissing the applications by relying upon the judgment of the Hon'ble Supreme Court in the case of Secretary, State of Karnataka and others v. Umadevi and 3 others, reported in (2006) 4 SCC 1 and also the judgment of the Hon'ble Supreme Court dated 06.07.2001 made in S.L.P.No.25200-25201/2010. The learned counsel further submitted that the subject matter in the case of Umadevi relates to regularisation, whereas the relief asked by the petitioners before the Tribunal was only to the extent of converting them as full time casual labourers and to give them the consequential benefits. Stating so, he prayed for quashing the order passed by the Tribunal and to grant the relief as prayed for by them.

4.The learned counsel for the second and third respondents / Department has submitted that the Tribunal has analysed the matter in detail and passed a reasoned order on merit by relying upon the decisions of the Hon'ble Supreme Court and hence the same does not require any interference by this Court.

5.Heard the learned counsel on either side and perused the materials available on record.

6.It is seen that the Tribunal has rejected the applications filed by the petitioners relying upon the decision of the Hon'ble Supreme Court in SLP No.25200-25201/2010 dated 06.07.2001, wherein a reference was made to the earlier judgment of the Hon'ble Supreme Court in Umadevi's case (cited supra) in which it has been observed that when a person enters a temporary employment or gets engagement as a contractual or casual worker and the engagement is not based on a proper selection as recognised by the relevant rules or procedure, he is aware of the consequences of the appointment being temporary, casual or contractual in nature. It is submitted by the learned counsel for the Department that the petitioners were not sponsored by the employment exchange and they are only contingent staff and they are not in regular civil service and not governed by regular civil service rules, and hence, the inclusion of their names in the seniority list, will not confer them any claim for regular absorption in the Department posts. It has been further submitted that relying upon the above judgment of the Hon'ble Supreme Court, a policy decision has been taken to that effect. When once a policy decision is taken, it cannot be reverted back. However, he had given an undertaking that the petitioners will be continued as temporary part time labourers.

7.In view of the above stated circumstances, the writ petitions are dismissed, however, recording the above undertaking made by the learned counsel for the Department, that the petitioners will be continued as temporary part time labourers. No costs.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

KM

To

1.The Registrar,
Central Administrative Tribunal,
Madras Bench, High Court Campus,
Chennai-600 104.

2.The Chief Postmaster General,
Tamil Nadu Circle,
Anna Salai, Chennai-600 002.

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3.The Superintendent,
Railway Mail Service,
RMS 'T' Division,
Tiruchirappalli-620 001.

+ 1 cc to Mr.S.Ramaswamyrajarajan Advocate,SR.78206

+ 1 cc to Mr.V.Balasubramanian Advocate,SR.77702

W.P.No.7288 and 7289 of 2017

NR 28/11/2017



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