

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 3.11.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1348 of 2017
and
C.M.P.Nos.18633 to 18635 of 2017

1 G.Vikram
2 R.Jayakodi
3 T.Lakshmi
4 M.Madhan Kumar
5 R.Munivaradhan
6 S.Raman
7 D.Ranganayaki
8 K.Vishnu Srikumar
9 C.Anish
10 K.Malathi
11 V.Selvaraju
12 K.Jeganath
13 R.Manikandan
14 R.Saravanan
15 K.Vijayarani

Appellants

Vs

1 The Government of Tamil Nadu
Rep by its Chief Secretary, Secretariat
Fort St. George Chennai 600 009

2 The Secretary
Government of Tamil Nadu
Department of Education
Secretariat Fort St. George
Chennai 600 009

3 The Director of Public Library
No.737/1 Anna Salai
Chennai 600 002

Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 20.7.2017 passed in W.P.No.11702 of 2017 on the file of this court.

Petition Under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus Call for the records connected with the letter No.5203/P.L.1/2016-2, dt 7.4.2016 issued by the 2nd respondent, quash the same as illegal and direct the respondents to regularize the services of the petitioners in their respective posts with all attendant and consequential benefits of regularization

For appellants : Mr.Ramesh Ganapathy
For respondent : Mr.R.Prathapkumar, AGP

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellants and Mr.R.Prathapkumar, learned Additional Government Pleader, who takes notice on behalf of the respondents.

2. It appears that 71 various posts viz., of Electrician, Attender, Computer Operator, AC Mechanic, Daily Wager, etc., in Anna Centenary Library had been sanctioned and the appellants/writ petitioners sought for filling up such vacancies by way of regularisation of their services and since it was rejected by the respondents, the writ petition came to be filed. Now, as against order of dismissal passed by the learned Single Judge, the present writ appeal has been filed seeking indulgence of this court.

3. It further appears that in the meanwhile, some vacancies had been filled through the process of selection after issuing necessary notification. Whiles, the stand of the appellants/writ petitioners is that the remaining existing vacancies, can be filled by way of regularising their services since they have put in more than five years of services on temporary basis.

4. It is submitted by the learned Additional Government Pleader that the appellants/writ petitioners had been engaged by the respondents only as temporary employees and they cannot claim regularisation. He further submitted that some of them had already left the service and some have them have got break in service.

5. On perusal of the order passed by the learned Single Judge, we find that the learned Single Judge, applying the settled principles of law has held that such a claim of regularisation by the temporary employees is not permissible in law. No doubt, the part-time employees are not entitled to seek regularisation as they are not working against any sanctioned

posts and they cannot claim parity in salary with regular employees.

6. We do not find any illegality or infirmity with the view taken by the learned Single Judge so as to interfere with the same. It is for the appellants/writ petitioners to compete in the selection process. However, considering the long services rendered by the appellants/writ petitioners in contingencies, we direct the respondents to give some weightage by awarding some marks, while they compete in the selection process, keeping in view the services rendered by the appellants/writ petitioners, which would be in proportion to the number of years of services rendered by them. With this observation, the writ appeal is disposed of. No costs. The connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

ssk.

To:

- 1 The Government of Tamil Nadu
Rep by its chief Secretary Secretariat
Fort St. George Chennai 600 009
- 2 The Secretary
Government of Tamil Nadu
Department of Education
Secretariat Fort St. George
Chennai 600 009
- 3 The Director of Public Library
No.737/1 Anna Salai
Chennai 600 002

+1cc to MR.MISSION LEGAL Advocate, S.R.No. 78032
+1cc to the Government Pleader, S.R.No. 78246

W.A.No.1348 of 2017

SK(CO)
TR(13/12/2017)