

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.9608 of 2017

and W.M.P.No.10566 of 2017

Mr.G.Dharmalingam ... Petitioner

Versus

1. The Superintending Engineer,
TANGEDCO Ltd.,
Dharmapuri Electricity Distribution Circle,
Dharmapuri District.
 2. The Chief Stores Officer,
Central Stores/DEDC TNEB,
Adhiyaman Kottai,
Dharmapuri District.
 3. The General Manager,
Tamil Nadu Ex-Serviceman's Corporation Ltd.,
Major Parameswaran Memorial
Building No.2, Westmad Street,
Srinagar Colony Saidapet,
Chennai - 15.
- सत्यमेव जयते ... Respondents

Prayer: This Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondents from filing the petitioner's vacancy as a security guard at Central Stores DEDC Adhiyamankottai Dharmapuri Electricity Distribution Circle, Dharmapuri District.

For petitioner : Mr.A.E.Kalaiselvan

For Respondents : Mr.M.Fakkir Mohideen for R1 & R2

O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus, forbearing the respondents from filling up the vacancy for the post of Security Guard at Central Stores DEDC Adhiyamankotai Dharmapuri Electricity Distribution Circle, Dharmapuri District, as he is working in the said post.

2. The petitioner after retired from Service in Indian Army on 31.03.2011, was appointed as Investigating Assistant in the Tamil Nadu Electricity Board, Dharmapuri Distribution Circle in electricity protection. Later on, he was appointed as a Security Guard at TNEB DEDC Central Stores, Adhiyamankottai Dharmapuri District.

3. The learned counsel for the petitioner submitted that though the petitioner has been working from August 2016, till this date, the second respondent issued the vacancy list in the caption of "Registration and interview for the post of Security Guard for Namakkal, Salem, Dharmapuri District. Hence, the petitioner came forward to file this writ petition.

4. Heard the submission of Mr. Fakkir Mohideen, learned counsel, who takes notice on behalf of respondents 1 and 2.

5. The petitioner has produced the appointment order dated 10.08.2016, issued by the General Manager, TEXCO by way of typed set of papers. A perusal of the order shows as follows:

"Sir,

Sub: TEXCO-DEPLOYMENT OF EX-SERVICEMEN AS PER THE CONTRACTUAL OBLIGATIONS-ORDERS FILLING UP THE CONTRACTUAL EMPLOYMENT VACANCIES-AS SECURITY GUARD/HEAD SECURITY GUARD/ASSISTANT SECURITY OFFICER/DRIVER/JUNIOR ASSISTANT: REGARDING

Ref: The Contract agreement signed by the Ex-servicemen dated 10.08.2016.

1. As per the contract entered between the Tamil Nadu Ex-Servicemen Corporation (TEXCO) and the Client department/Corporation/Unit and as per the contractual agreement entered between the Ex-Serviceman (men) and TEXCO the under mentioned Ex-Serviceman (men) is/are hereby directed to report to you for performing the contractual duties stated in the agreement at the project places requested:

REG No	SERVICE NO	TEXCO NO	RANK	NAME	CATEC ORY	PROJ.NO. PROJ.NAM E
7	7774472Y	138362	HNB SUB	D.DHARMALINGAM	SG	O330N?, CENTRAL STORE'S ADHIYAMA NKOTTAI, 110 KV SUB STATION PREMISES , DHARMAPU RI

2. You are requested to intimate the date of joining of the above mentioned individual(s) to this office and also forward a copy of the same to the concerned Regional Assistant Manager (TEXCO) for information and further follow up."

When the petitioner was appointed only on the basis of a contract agreement signed by him on 10.08.2016, which has not been produced before this Court and therefore, this Court is not inclined to entertain the writ petition for the reason that the petitioner, being a retired Army Personnel, was appointed as an Investigating Assistant and the order of appointment also shows that as per the contract entered between the Tamil Nadu Ex-Servicemen Corporation and Client Department/ Corporation/Unit, he was directed to report for performing the contractual duties stated in the agreement at the project places and was not appointed through selection process. Therefore, this Court is of the view that he is not having any right to question the subsequent notification, calling for eligible candidates to apply for the post.

6. Accordingly, the writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsm

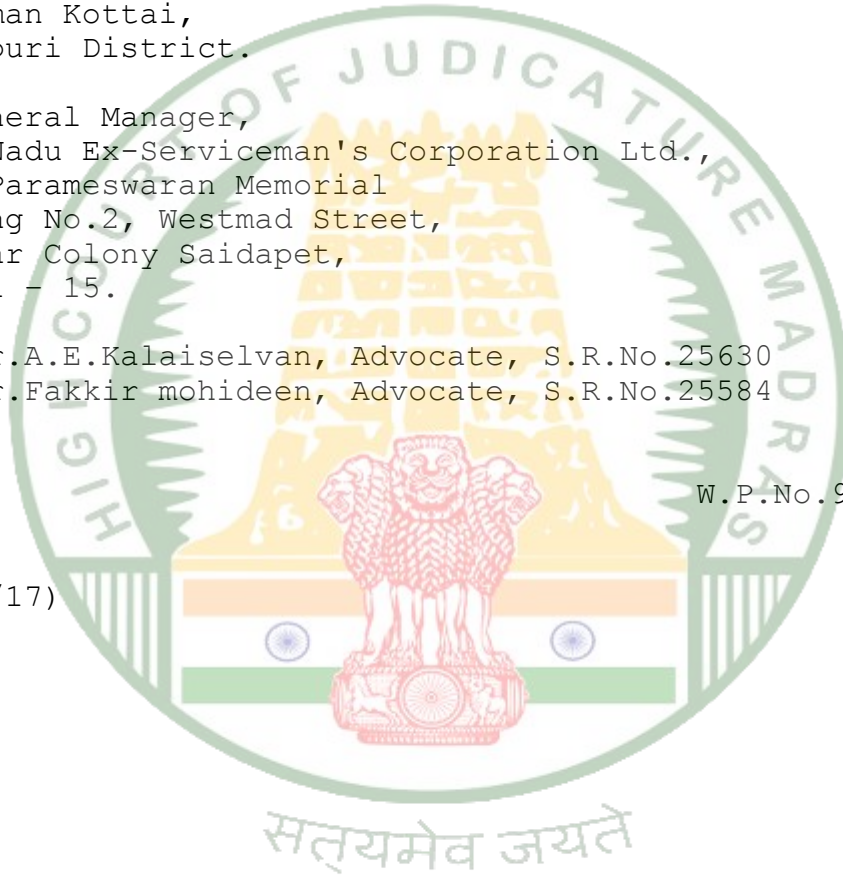
To

1. The Superintending Engineer,
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Dharmapuri Electricity Distribution Circle,
Dharmapuri District.
2. The Chief Stores Officer,
Central Stores/DEDC TNEB,
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+1cc to Mr.A.E.Kalaiselvan, Advocate, S.R.No.25630
+1cc to Mr.Fakkir mohideen, Advocate, S.R.No.25584

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br(co)
rmp(11/05/17)



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