

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2017

CORAM

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

W.A.No.1687 of 2017

and

C.M.P.Nos.21721 & 21722 of 2017

J.Rijay

Appellant

Versus

1. Union of India, rep. by its
Secretary to Government,
Ministry of Social Justice & Empowerment,
Department of Empowerment of Persons
with Disabilities,
Paryavaran Bhawan, CGO Complex,
Lodhi Road, New Delhi 110 003.
2. The Director,
National Institute for Empowerment of
Persons with Multiple Disabilities (NIEPMP)
Department of Disability Affairs,
Ministry of Social Justice and Empowerment,
East Coast Road, Muttukadu,
Chennai 603 112.

..Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 6.12.2017 passed in W.P.No.31596 of 2017 on the file of this court.

W.P.No.31596 of 2017:

Petition under Article 226 of the constitution of India praying for the issue of a Writ of Mandamus, directing the Respondents to provide all the salary and other benefits to the Petitioner as per with normal other employees.

For appellant : Mr.R.Prabhakaran

JUDGMENT

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

Heard the learned counsel appearing for the appellant.

2. The writ appeal has been filed challenging the order passed by the learned Single Judge dismissing the writ petition filed by the appellant herein seeking salary and other benefits on par with normal other employees.

3. Claiming that the appellant/writ petitioner was appointed as Special Employee by the second respondent, the appellant had claimed the relief of salary and other benefits on par with normal other employees. The learned Single Judge, on going through the materials, found that by looking at the identity card said to have been issued by the Director, the court may not be in a position to grant any interim order directing the respondents to maintain status quo and as the learned counsel for the petitioner has fairly admitted that the petitioner was not issued with any appointment order by the competent authority except the identity card, the court is not inclined to entertain the writ petition.

4. According to the learned counsel appearing for the appellant/writ petitioner, 4% of the posts have been reserved for specially disabled persons and the appellant/writ petitioner, who was appointed as special employee and worked for about nine years on ad hoc basis, had to be treated on par with other regular employees.

5. On perusal of the entire materials available on record, we find that no appointment order has been produced by the appellant to substantiate his case for having working from the year 2009. There is no dispute that regularization sought for having worked on ad hoc basis in the non-sanctioned posts, being a back-door entry, cannot be entertained. There are various procedures to be adopted for selecting the employees and the meritorious candidates cannot be ignored for the sake of candidates who had worked on ad hoc basis. Therefore, if the appellant contests for any new recruitment based on any future notification, his ad hoc services may be considered by giving some weightage which would meet the ends of justice.

6. However, in the meanwhile, the respondents shall consider the case of the appellant for regularization, if any Government Order permits to do so. This exercise shall be done by the authorities within a period of three months from the date of receipt of a copy of this judgment. Till then, the appellant shall be continued in the present post he holds. It is needless to say that this order does not mean give any specific right

to the appellant to claim appointment as a matter of right. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CS IX)

True Copy

Sub-Assistant Registrar

ssk.

To:

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+1 CC to Mr.R.Prabhakaran, Advocate sr 88850

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W.A.No.1687 of 2017

AD(CO)
SP(18/01/2018)

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