

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-12-2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4728 of 2010

P.Kandappan .. Petitioner

-vs-

- 1.The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Limited,
Dharmapuri Region,
No.12, Ramakrishna Street,
Salem.
- 2.The General Manager,
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
Dharmapuri Region,
Dharmapuri.
- 3.The District Employment Officer,
Dharmapuri. ... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the second respondent to consider and pass orders on the representation of the petitioner dated 1.10.2009 preferred by the petitioner to the second respondent.

For Petitioner - Mr.S.Doraisamy

For Respondents-1&2- Mr.T.Chandrasekaran

For Respondent-3 - Mrs.K.Bhuvaneswari,
Government Advocate.

ORDER

The relief sought for in this writ petition is for a direction to direct the second respondent to consider and pass orders on the representation submitted by the writ petitioner on 1.10.2009.

2. The learned counsel, appearing on behalf of the writ petitioner, states that the writ petitioner was appointed temporarily as a Conductor in the respondent-Corporation. However, the writ petitioner was ousted from service in the year 2008.

3. This Court is of the opinion that the writ petitioner was appointed only on temporary basis and thereafter, his services are not confirmed nor regularised. This being the factum of the case, the writ petitioner has not established any legal rights, so as to consider his representation. A person appointed contrary to the recruitment rules in force, cannot seek regularisation or permanent absorption.

4. In the case on hand, the services of the writ petitioner had been dispensed with in the year 2008 itself. This being the factum of the case, this Court, now, cannot grant any direction to consider the representation. Even for a direction to consider the representation, the writ petitioner has to establish a semblance of right. In the absence of any such right, no writ can be issued in this regard. Thus, no further adjudication needs to be entertained on the grounds raised in this writ petition.

5. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Svn
To

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Limited,
Dharmapuri Region,
No.12, Ramakrishna Street,
Salem.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
Dharmapuri Region,
Dharmapuri.

3.The District Employment Officer,
Dharmapuri.
+1cc to Mr.Duraisamy, Advocate SR.No.87232
+1cc to Government Pleader Sr.No.87715

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MG (CO)
sm:21.12.2017