

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2017

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No. 2912 of 2015 &
M.P.Nos. 1 & 2 of 2015

1.S.Kannan
2.V.Semmanery
3.S.Ravikumar
4.K.Bhuvaneswari
B.Balaraman

.. Petitioners

Vs

1.Union Territory of Puducherry
rep. By the Chief Secretary
Central Secretariat
Puducherry.

2.The Managing Director
Puducherry Distilleries Limited
Ariyapalayam
Villianur 605 110, Puducherry

3.The Director
Employment Exchange
Puducherry.

4.B.Murugan

5.S.Jayakumar

6.I.Sasikumar

7.V.Manikandan

8.V.Kannan

9.S.Seetharaman

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10.D.Murugan

11.S.Kothandaraman

12.A.Rajaram

13.S.Sachindanandan

14.B.Narayanan

15.M.Elumalai

16.A.P.Murugan

17.M.Throuchalinname

18.K.Meena

19.V.Soupramani

20.D.Vijayalakshmi

21.V.Sundaramoorthy

22.B.Palanivel

23.R.Marie Roland

(R4 to R23 are impleaded as per the
order passed in WMP No.6118/2017
in W.P.No.2912/2015 dt 01.08.2017)

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the second respondent to consider the representation dated 21.01.2015, preferred by the petitioners to fill up the vacancies in the second respondent Distilleries Unit, pursuant to G.O.Ms.No.22/ DPAR(PW) dated 27.02.2009 and appoint the petitioners in the second respondent Distilleries Unit based on their suitability and eligibility, within a time frame to be fixed by this Court.

For Petitioners : Mrs.Usha Ramman

For Respondents: Mr.B.Nambi Selvam R1 & R3
Addl Govt.Pleader(Puducherry)

Mr.T.P.Manoharan, Sr.Counsel
for Mr.M.P.Jotheswaran -R2

Mr.K.Venkata Raman -R4- R23

ORDER

The relief sought for in this Writ Petition is for issuance of a direction to the second respondent to consider the representation dated 21.01.2015, preferred by the petitioners to fill up the vacancies in the second respondent Distilleries Unit, pursuant to G.O.Ms.No.22/DPAR(PW) dated 27.02.2009 and appoint the petitioners in the second respondent Distilleries Unit.

2.The learned counsel for the writ petitioners contended that the writ petitioners are eligible and qualified for recruitment as casual labourers in the second respondent Distilleries Unit. Therefore, the writ petitioners claim for appointment to be considered in accordance with G.O.Ms.No.22/ DPAR(PW) dated 27.02.2009.

3.On a perusal of G.O.Ms.No.22, it is a Scheme, called Government of Puducherry Casual Labourers (Engagement &

Regularisation) Scheme, 2009, formulated for the purpose of engagement of casual labourers. The writ petitioners were not even appointed in any one of the Department of the Government of Puducherry. Thus, the question of considering the writ petitioners under the Scheme will not arise at this stage. This apart, appointment can never be claimed as a matter of right and the writ petitioners are at liberty to contest, whenever a notification for recruitment is issued or if the writ petitioners names are sponsored through the Employment Exchange, and if the Rules permit them for such appointment.

4. At the outset, all appointments in Public Offices are to be made in accordance with the Recruitment Rules. The writ petitioners have to participate and only after succeeding in the process of selection, they can be appointed. By submitting a representation to the authorities concerned, the writ petitioners cannot secure any public employment. In this view of the matter, the prayer as sought for in this Writ Petition is absolutely misconceived. No semblance of right is established in this Writ Petition. In the absence of establishing any legal right, no writ can be issued by exercising the power under Article 226 of the Constitution of India.

5. In this view of the legal principles, the grounds raised in this writ petition deserves no consideration at all. This Court cannot issue a direction to consider the representation in a routine manner, in the absence of establishing any legal right by the Writ Petitioners under Article 226 of the Constitution of India.

6. Accordingly, the Writ Petition is devoid of merits and stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

01.08.2017

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S.M.SUBRAMANIAM, J.

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