

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.11.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12732 of 2010

1.R.Vallatharasu
2.S.Ganapathi
3.T.Ilavazhagan
4.P.Pandian
5.K.Vetrivel
6.V.Deenadhayalan
7.V.Kalyanasundaram
8.K.Sivakumar
9.P.Ayyathurai
10.N.Kalidoss
11.J.Senthamizhselvan
12.K.Meiyappan
13.K.Mathiyazhagan

..Petitioners

vs

1.The Managing Director
Tamil Nadu Civil Supplies Corporation Ltd,
No.10, Tambusamy Street,
Kilpauk, Chennai - 10.

2.The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation Ltd,
Tiruvarur,
Tiruvarur District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to strictly adhere the provisions of the Tamilnadu Civil Supplies Corporation Employees Service Regulations in respect of filling up of the Assistant Posts and Junior Assistants consequently direct the respondents to promote the petitioners to the post of Junior Assistants.

For Petitioners : Mr.C.Prakasam

For Respondents : No Appearance for R1 & R2

O R D E R

The relief sought for in this writ petition is for a direction to the respondents to strictly adhere to the provisions of Tamilnadu Civil Supplies Corporation Employees Service Regulations in respect of filling up of the posts of Assistants and Junior Assistants and consequently direct the respondents to promote the petitioners to the post of Junior Assistants.

2.The learned counsel for the writ petitioners states that petitioners 2 to 5 are working as permanent bill clerks in the respondent corporation and other petitioners i.e., 6 to 13 are working as Seasonal Bill Clerks in the respondent corporation. Whenever, the season paddy procurements are high in quantity, the seasonal bill clerks are engaged and they will be ousted subsequently. The learned counsel further states that the services of the petitioners on temporary basis will be done on need basis. The grievances of the petitioners is that though they are qualified for promotion, the respondents have not considered the petitioners for promotion to the post of Junior Assistant. In the writ petition itself, the petitioners have requested this Court to issue a direction to the respondents to strictly adhere to the provisions of Tamilnadu Civil Supplies Corporation Employees Service Regulations in respect of filling up of the posts of Assistant Posts and Junior Assistants.

3.It is needless to state that the respondent corporation is bound to follow the service regulations in this regard in respect of promotions. The same can never be claimed as a matter of right. Promotions are to be granted by preparing panel by considering the names of all the eligible persons fit for promotion. Thus, the procedure contemplated for preparing the panel and granting promotion in accordance with the regulations to be strictly adhered, while undertaking the process of promotion. So also in the matter of regularization, the temporary employees can never claim regularization as a right.

4.All appointments and promotions are to be made only in accordance with the service rules in force. Irregular appointments can never be regularized nor any irregular promotions be granted contrary to the rules in force. This being the principles to be adopted, while granting regularization or promotions, the respondents are bound to follow the service rules in force in the matter of appointment/promotion. The writ petitioners, more specifically, 6 to 13 who are appointed as seasonal employees are certainly not considered and their employment is only for the purpose to complete the excess work during the particular season.

5.Thus, the other grounds raised in this writ petition deserves no further adjudication in view of the fact that the writ petitioners have not established any legal right in respect of their promotion or regularization in accordance with the rules.

6.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

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To

1.The Managing Director
Tamil Nadu Civil Supplies Corporation Ltd,
No.10, Tambusamy Street,
Kilpauk, Chennai - 10.

2.The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation Ltd,
Tiruvarur,
Tiruvarur District.

+lcc to Mr.C.Prakasam, Advocate SR.No.83241

+lcc to Mr.C.Selvaraj, Advocate SR.No.83812

सत्यमेव जयते

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GN(12/12/2017)

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