

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21-09-2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.7056 of 2015

And

M.P.No.1 of 2015

K.Loganathan

.. Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by its Secretary to Government,
Energy Department,
Fort St. George,
Chennai-600 009.

2.The Superintending Engineer,
Kancheepuram Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Anna Maaligai / Olimohammedpet,
Kancheepuram-631 502. .. Respondents

Prayer: Petition filed under Article 226 of the
Constitution of India, praying for the issuance of a Writ of
Mandamus, directing the second respondent to consider the
representation of the petitioner to appoint him as Mazdoor and
consequently confer permanent status to the petitioner.

For Petitioner : Mr.V.Premkumar

For Respondent-1 : Mr.K.Dhananjayan,
Special Government Pleader.

For Respondent-2 : Mrs.R.Varalakshmi

O R D E R

The relief sought for in this writ petition is for a
direction to direct the second respondent to consider the
representation of the petitioner to appoint him as Mazdoor and
thereafter grant permanent status.

2. The writ petitioner was working as Daily Wage Labourer under the second respondent. In view of his appointment as Daily Wage Labourer, the writ petitioner made a representation to appoint him as regular Mazdoor in the permanent post.

3. Appointment can never be claimed as a matter of right and the writ petitioner is bound to undergo the process of selection for regular appointment in accordance with the Service Rules in force. By way of a representation, the writ petitioner cannot seek any appointment for regular post in the regular time scale of pay.

4. The permanent posts in a cadre are governed by the Service Rules of the Department and therefore, the prayer, as such, sought for to appoint him in permanent capacity, cannot be considered. It is left open to the writ petitioner to participate in the open competitive process and get selection.

5. A mere representation by the writ petitioner, cannot be construed as a legal right, so as to entertain a writ petition under Article 226 of the Constitution of India. In the absence of establishing a semblance of right, this Court is not inclined to entertain this writ petition nor consider the grounds raised in this writ petition.

6. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

sd/-
Assistant Registrar

True Copy

सत्यमेव जयते
Sub Assistant Registrar

To

1. The Secretary to Government,
Government of Tamil Nadu,
Energy Department,
Fort St. George,
Chennai-600 009.

WEB COPY

2. The Superintending Engineer,
Kancheepuram Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Anna Maaligai / Olimohammedpet,
Kancheepuram-631 502.

+1 C.C. To M/S.V.PREMKUMAR, Advocate SR.NO.76383.

+1 C.C. To Govt.Pleader SR.NO.69833.

NR (CO)
ADD 09.10.2017

WP No.7056 of 2015



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