

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Tuesday, the Twenty Fourth day of April Two Thousand Eighteen

PRESENT

THE HON`BLE MR JUSTICE SATRUGHANA PUJAHARI

WMP NOS.7582 TO 7585 OF 2018

AND 18964 TO 18967 OF 2017

IN WP.NOS.17471 TO 17474 OF 2017

G.MARGARET MALINI [PETITIONER IN WMP.7582/18 AND 18964/17
IN WP.17471/17]

MRS.V.LATHA [PETITIONER IN WMP.7583/18 AND 18965/17
IN WP.17472/17]

MRS.E.GRACE ALIAS [PETITIONERS IN WMP.7584/18 AND 18966/17
M.KALAIYARASI IN WP.17473/17]

G.SABITHA [PETITIONER IN WMP.7585/18 AND 18967/17
IN WP.17474/17]

Vs

1 THE CHIEF EXECUTIVE [1 TO 4 RESPONDENTS IN ALL THE
OFFICER, CANTONMENT BOARD, PETITIONS]
(UNDER THE CONTROL OF THE MINISTRY OF DEFENCE,
GOVERNMENT OF INDIA) ST.THOMAS MOUNT
CUM PALLAVARAM, CHENNAI - 600 016.

2 CANTONMENT BOARD HIGH
SCHOOL, REP.BY ITS HEAD MASTER,
CANTONMENT PALLAVARAM, CHENNAI - 600 043.

3 STATE OF TAMIL NADU
REP.BY ITS SECRETARY, DEPARTMENT OF SCHOOL
EDUCATION, SECRETARIAT, CHENNAI-9.

4 THE CHIEF EDUCATIONAL OFFICER
KANCHIPURAM DISTRICT, KANCHIPURAM.

5 DR.M.G.R.CANTONMENT BOARD HIGH [5TH RESPONDENT IN WMP.7582/18
SCHOOL, REP.BY ITS HEAD MASTER, ST.THOMAS AND 18964/17
MOUNT CUM PALLAVARAM, CHENNAI.600 016. IN WP.17471/17]

R5-IMPLEADED AS PER ORDER

DT.07.03.2018 BY VPNJ IN WMP.5070/2018 IN WP.17471/2017

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue an order of INTERIM INJUNCTION, forbearing the 1st respondent from terminating the services of the petitioner from the 5th respondent school (in WMP.No.7582/18) pending disposal of the above writ petition 17471/17.

(ii)to issue an order of Interim injunction, forbearing the 1st respondent from terminating the services of the petitioner from the 2nd respondent school (in WMP.7583/18) pending disposal of the above writ petition 17472/17

(iii)to issue an order of Interim injunction, forbearing the 1st respondent from terminating the services of the petitioner from the 2nd respondent school (in WMP.No.7584/18) pending disposal of the above writ petition 17473/17

(iv)to issue an order of Interim injunction, forbearing the 1st respondent from terminating the services of the petitioner from the 2nd respondent school (in WMP.No.7585/18) pending disposal of the above writ petition 17474/17

(v) to issue an order of Interim Injunction restraining the respondents from interfering with or terminating the petitioners service from the 2nd respondent school (in WMP.no.18964/17) pending disposal of the Writ petition 17471/17

(vi) to issue an order of Interim Injunction restraining the respondents from interfering with or terminating the petitioners service from the 2nd respondent school (in WMP.No.18965/17) pending disposal of the Writ petition 17472/17

(vii) to issue an order of Interim Injunction restraining the respondents from interfering with or terminating the petitioners service from the 2nd respondent school (in WMP.no.18966/17) pending disposal of the Writ petition 17473/17 and;

(viii) to issue an order of Interim Injunction restraining the respondents from interfering with or terminating the petitioners service from the 2nd respondent school (in WMP.No.18967/17) pending disposal of the Writ petition 17474/17 respectively.

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.N.KAVITHA RAMESHWAR Advocate for the petitioner in each the petitions and of MR.C.MOHAN FOR M/S.KING & PARTRIDGE Advocate for 1st respondent in all the petitions and MR.P.RAJA Government Advocate for 3 & 4th respondents in all the petitions the court made the following order:-

Heard the learned counsel appearing for the petitioner and also the learned counsel appearing for the respondent on the writ miscellaneous petitions seeking injunction restraining the termination of service of the petitioners from the respondent School pending disposal of the writ petitions.

2. It appears that the petitioners were originally appointed as Secondary Grade Teachers in the Cantonment Board High School from the year 2000 and their services having not been regularised, they earlier filed writ petitions vide W.P.Nos.16147 to 16150 of 2017, which came to be dismissed on 29.06.2017. Thereafter, fresh orders were issued to the petitioners, giving tenure appointment, on contractual basis. Now, they filed the present writ petitions seeking a direction to the respondents to approve their appointment and grant time scale of pay. The term of contractual appointment is coming to an end on 30.04.2018.

3. This Court, while granting time to the respondents to file counter in the writ miscellaneous petitions, seeking injunction against the respondents not to terminate the service of the petitioners, had granted status-quo, as it was apprehended that the petitioners would be terminated prior to the expiry of the order of tenure.

4. Counter affidavit has been filed by the respondents, praying to vacate the said order of status-quo and dismiss the writ petitions.

5. The respondents have countered that since the petitioners were given tenure appointment on contract basis, they have no right to continue in the said post in question; more so, when the rules of reservation required to be followed while making appointments; was not followed and the petitioners are not selected as per rules; hence their prayer for regularisation is without any substance and the writ petitions are misconceived.

6. Today, when the writ miscellaneous petitions of the writ petitioner seeking the order of injunction are taken up, learned counsel for the petitioners has prayed this Court to pass an interim injunction, as prayed for in view of their continuous

service except the artificial break which they have accepted under compulsion, inasmuch as, they have worked continuously for a considerable period notwithstanding the term of their tenure appointment given in recent past coming to an end. The same is vehemently opposed by the learned counsel for the respondents, contending that since the petitioners have no right for regularisation, inasmuch as their appointment being a tenure one and they were not duly appointed following the rules and regulations, therefore, no injunction order be passed. However, the learned counsel for the respondent would submit that the authority has decided to re-engage the petitioners for another tenure of 11 months from 01.06.2018.

7. I have considered the submissions made by the parties.

8. Since the petitioners were appointed on tenure basis on consolidated pay and their tenure is going to expire on 30.04.2018 and that the authority has decided to re-engage them after a break of one month, i.e, from 01.06.2018, this Court is not inclined to pass any order of injunction. However, since the petitioners have made a claim that they were continuously in service from the year 2000 and they have accepted the tenure appointment under compulsion and also the assurance of the respondents counsel on instruction that the petitioners will be re-engaged in service from 01.06.2018, it is made clear that the aforesaid break of one month in service, if any, shall be without prejudice to the claim of the petitioners in the writ petitions.

9. With the aforesaid order, these writ miscellaneous petitions stand disposed of. Post the writ petitions for final hearing on 14.06.2018.

-sd/-
24/04/2018
/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE CHIEF EXECUTIVE
OFFICER, CANTONMENT BOARD,
(UNDER THE CONTROL OF THE MINISTRY OF DEFENCE,
GOVERNMENT OF INDIA) ST.THOMAS MOUNT
CUM PALLAVARAM, CHENNAI - 600 016.

2 HEAD MASTER,
CANTONMENT BOARD HIGH SCHOOL,
CANTONMENT PALLAVARAM,
CHENNAI - 600 043.

3 THE SECRETARY,
STATE OF TAMIL NADU DEPARTMENT OF
SCHOOL EDUCATION, SECRETARIAT,
CHENNAI-9.

4 THE CHIEF EDUCATIONAL OFFICER,
KANCHIPURAM DISTRICT, KANCHIPURAM.

C.C. to M/S.N.KAVITHA RAMESHWAR Advocate SR.No.5241

C.C. To M/S.KING & PARTRIDGE Advocate SR.No.5199

The Government Advocate, High Court, Madras - 104.

Order

in

WMP NOS.7582 TO 7585 OF 2018

AND WMP.18964 TO 18967/2017

IN WP.NOS.17471 TO 17474 OF 2017

Date :24/04/2018

From 26.2.2001 the Registry is issuing certified
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SDR 04.04.2018
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