

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2018

CORAM

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

W.P.No.7888 of 2018

and

W.M.P.Nos. 9846 to 9848 of 2018

1.A.Antony Ramesh  
2.S.Raman

...Petitioners

Vs

1. The Secretary to Government,  
Finance Department,  
Fort Saint George,  
Chennai - 600 009.
2. The Secretary to Government  
Rural Development and Panchayat Raj Department,  
Fort Saint George,  
Chennai - 600 009.
3. Tamil Nadu Puthu Vazhvu Society  
Represented by its Member Secretary/Project Director,  
Puthu Vazhvu Project,  
Annai Theresa Mahalir Valagam,  
Valluvar Kottam High Road,  
Nungambakkam,  
Chennai - 600 034.
4. Tamil Nadu Rural Transformation Project,  
(Department of Rural Development & Panchayat Raj,  
Government of Tamil Nadu)  
Represented by its Project Direct,  
2nd Floor, Mother Theresa Complex,  
Nungambakkam, Chennai - 600 034.

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Certiorified Mandamus, calling for records relating to the 4th respondent's notification in File No.008/TNRTP/2018 and File No.008A/TNRTP/2018 dated 14.02.2018 and quash the same and appoint the petitioner in a suitable post in the new projects or any one of the Government Departments/Government undertakings in the existing vacancies.

For Petitioners : Mr.M.Muthappan

For R1 & R2

: Mr.V.Kadhirvelu  
Special Government Pleader

O R D E R

The relief sought for in this writ petition is to call for the records relating to the 4th respondent's notification in file No.008/TNRTP/2018 and file No.008A/TNRTP/2018 dated 14.02.2018 and quash the same and appoint the petitioners in a suitable post in the new projects or any one of the Government Departments/Government undertakings in the existing vacancies.

2. The Tamil Nadu Rural Transformation Project (Department of Rural Development & Panchayat Raj) issued proceedings dated 14.02.2018, request for 'Expression of Interest' for a Headhunting Agency for engagement of Senior Staff in Tamil Nadu Rural Transformation Project. Challenging the said notification the present writ petition is filed by the writ petitioners.

3. The first writ petitioner was appointed as Assistant Project Manager(Village Funds) in proceedings dated 25.10.2008. The second writ petitioner was appointed as Assistant Project Manager in proceedings dated 03.12.2011. The writ petitioners are differently abled persons possessing Post Graduation qualifications. The Government of Tamil Nadu has introduced a project work for reducing poverty among the rural poor and other vulnerable groups, currently outside the reach of most development interventions through directed assistants for productive livelihood activities, in a more enabling village environment using the Community Driven Development Approach. The said project is to empower the poor and improve their livelihood through:

(a) developing, strengthening and synergizing pro-poor local institutions/groups(including Village Panchayats);

(b) enhancing skills and capacities of the poor (especially women and the vulnerable);

(c) financing productive demand driven business plans investments related to livelihood for the target poor.

4. The learned counsel appearing on behalf of the writ petitioners submits that the writ petitioners are serving for a considerable length of period and they must be appointed in the next project also. The impugned notification states that the new agency will be appointed and in the event of appointing new agency the writ petitioners may lose the opportunity of further engagement on contract basis under the new scheme.

5.It is further contended that the writ petitioners are already serving in the earlier project and having more experience and therefore, they must be allowed to continue in the next project also.

6.The learned Special Government Pleader appearing on behalf of the respondents opposed the contention by stating that the writ petitioners were appointed on contract basis in a scheme and therefore, they cannot have any right of further employment under new scheme. This apart, the term of contract had already expired and therefore, the petitioners cannot claim any further right or benefits on account of the contract appointment which had already lapsed.

7. The scheme being a new one the competent authorities are empowered to recruit or appoint new persons based on the needs of the new project. Such administrative decisions cannot be questioned by any employee, who were appointed on contract basis for a specified period of 2 years. The order of appointment of the writ petitioners are enclosed in Page Nos.47 and 53 of the typed set of papers filed along with the writ petition, which are usefully extracted hereunder:

Page No.47 of typed set of papers:

"We are pleased to engage your services for the position of Assistant Project Manager (Village Funds) with Coimbatore District Vazhndhu Kaattuvom Project on contract basis.

You are requested to join duty at Coimbatore Vazhndhu Kaattuvom Project within 10 days from the date of receipt of this order. You would report for duty to the District Project Manager of the Vazhndhu Kaattuvom Project, Third Floor, CDCC Bank, SBI Road, Opp.Railway Station, Coimbatore-18, Phone:0422-2300633..

This assignment is offered to you on a contract basis for a period of two years from th date of signing of contract.

Based on your performance at the end of the contract period, your contract may be extended for a further period. In case of discontinuance during the period of contract, either party may give one month's notice or one month's remuneration in lieu thereof and rescind the contract.

You would be given a consolidated remuneration of Rs.14,000/- (Rupees Fourteen Thousand Only) per month for the services rendered."

page no.53 of typed set of papers

"The following candidates selected from the open market through HR agency are appointed as Assistant Project Manager and posted to the districts noted against their names.

| S.No | Discipline | Name of the Candidate | Community | Native District | District to which posted |
|------|------------|-----------------------|-----------|-----------------|--------------------------|
| 1    | M&E        | SIVAPRAKSH J S        | BC        | Madurai         | Tirunelveli              |
| 2    | M&E        | SENTHIL KUMAR K       | BC        | Dindugal        | Thoothukudi              |
| 3    | M&E        | VASANTHA KUMAR P      | SC        | Kancheepuram    | Tiruvallur               |
| 4    | M&E        | PRABAKAR A            | SC        | Virudhunagar    | Tiruvarur                |
| 5    | M&E        | XAVIER MANIRAJ P V    | SC        | Thoothukudi     | Virudhunagar             |
| 6    | M&E        | MANIKANDAAN B         | BC        | Namakkal        | Vellore                  |
| 7    | M&E        | RAMAN S               | MBC       | Madurai         | T.V.Malai                |
| 8    | M&E        | N.UMASUNDARI          | BC        | Trichy          | Namakkal                 |
| 9    | M&E        | P JEYACHITRA          | SC (A)    | Dindugal        | Theni                    |
| 10   | BF         | KUMARESAN R           | BC        | Theni           | Tiruvarur                |
| 11   | M&E        | A ANDAL               | SC        | Cuddalore       | Nagai                    |
| 12   | M&E        | R PUNITHA             | SC        | Virudhunagar    | Ramnad                   |
| 13   | BF         | S KANDASAMY           | MBC       | Kancheepuram    | Tiruvallur               |
| 14   | BF         | SANTHOSH M            | BC        | Chennai         | Villupuram               |
| 15   | BF         | MAREESWARAN M         | MBC       | Ramnad          | Theni                    |
| 16   | BF         | THAMOTHARAN G         | BC        | Namakkal        | Coimbatore               |
| 17   | BF         | JAGADEESAN S          | MBC       | Virudhunagar    | Pudukkottai              |
| 18   | BF         | C UMAMAHESWARI        | BC        | Coimbatore      | Karur                    |
| 19   | BF         | R CHINNADURAI         | SC        | Ramnad          | Madurai                  |
| 20   | ML         | SURESH R              | BC        | Vellore         | Cuddalore                |
| 21   | BF         | THILLAI NATARAJAN     | SC        | Cuddalore       | Ramnad                   |
| 22   | BF         | KARTHIKEYAN S         | MBC       | Namakkal        | Salem                    |
| 23   | VF         | ARUNKUMAR S           | BC        | Coimbatore      | Krishnagiri              |
| 24   | ML         | MALATHI U S U         | MBC       | Ramnad          | Tiruvarur                |



| S.No | Discipline | Name of the Candidate     | Community | Native District | District to which posted |
|------|------------|---------------------------|-----------|-----------------|--------------------------|
| 25   | VF         | P RAJU                    | SC (A)    | Salem           | Namakkal                 |
| 26   | ML         | SUNDARARAMAN M            | MBC       | Virudhunagar    | Madurai                  |
| 27   | VF         | SARAVARAN S               | BC        | Theni           | Perambalur               |
| 28   | VF         | SENTHILKUMAR G            | MBC       | Theni           | Nagai                    |
| 29   | VF         | ARUN RAJASEKARAN          | BC        | Theni           | Tiruvallur               |
| 30   | ML         | VASUDEVAN S               | SC        | T.V.Malai       | Kancheepuram             |
| 31   | ML         | RAMESH S                  | MBC       | Vellore         | Villupuram               |
| 32   | CB         | MUTHUPANDI M              | SC        | Theni           | Dindugal                 |
| 33   | ML         | SELVAKUMAR                | MBC       | Tiruvarur       | Ramnad                   |
| 34   | CB         | MARIA MATHELAMMAL J       | BC        | Virudhunagar    | Ariyalur                 |
| 35   | VF         | R SELVAKUMAR              | MBC       | Thoothukudi     | Sivagangai               |
| 36   | CB         | A GODWILL JOHN            | BC        | Kanyakumari     | Ramnad                   |
| 37   | VF         | SENTHIL MURUGAN A         | MBC       | Trichy          | Pudukkottai              |
| 38   | VF         | SRINIVASAN D              | MBC       | T.V.Malai       | Kancheepuram             |
| 39   | CB         | DEENAN N                  | BC        | Vellore         | Namakkal                 |
| 40   | VF         | CHANDRAN R                | MBC       | Namakkal        | Tiruvarur                |
| 41   | CB         | CHITRADEVI N              | MBC       | Ramnad          | Tiruvarur                |
| 42   | CB         | CHITRA S                  | BC        | Kanyakumari     | Sivaganga                |
| 43   | CB         | A ASHOKKUMAR              | MBC       | Tirunelveli     | Nagai                    |
| 44   | CB         | K I AROON JOSHVA RUSEWELT | BC        | Trichy          | Pudukkottai              |
| 45   | CB         | SIVALINGAM G              | MBC       | Vellore         | Salem                    |
| 46   | SS         | KABALISHWARAN P           | SC        | Chennai         | Kancheepuram             |
| 47   | SS         | PANCHALI SELVARAJ         | BC        | Perambalur      | Ariyalur                 |
| 48   | SS         | HEMALATHA T B             | BC        | Madurai         | Pudukkottai              |
| 49   | SS         | SEEMAICHAMY K             | MBC       | Virudhunagar    | Thoothukudi              |
| 50   | SS         | RAJAKUMAR S               | BC        | Dindugal        | Virudhunagar             |

| S.No | Discipline | Name of the Candidate | Community | Native District | District to which posted |
|------|------------|-----------------------|-----------|-----------------|--------------------------|
| 51   | SS         | MOHANRAVI A           | SC        | Cuddalore       | Ramnad                   |
| 52   | SS         | GOPAL R A             | SC        | Theni           | Cuddalore                |
| 53   | SS         | R RAJKUMAR            | BC        | Dharmapuri      | Namakkal                 |
| 54   | LH         | NAMABCHIJVAYAM        | SC        | Dindugal        | Coimbatore               |
| 55   | LH         | RAJATHI S             | MBC       | Namakkal        | Salem                    |
| 56   | LH         | S ARASU               | MBC       | T.V.Malai       | Perambalur               |
| 57   | LH         | PALANISAMY N          | SC        | Villupuram      | T.V.Malai                |
| 58   | LH         | M RAJA                | MBC       | Cuddalore       | Vellore                  |
| 59   | LH         | PERIYANAYAGAM A       | BC        | T.V.Malai       | Namakkal                 |
| 60   | LH         | GOPI K                | BC        | Dharmapuri      | Pudukkottai              |
| 61   | LH         | PRS KATHIRVEL         | MBC       | Cuddalore       | Sivaganga                |
| 62   | LH         | KALAIMANI M           | SC        | Nagai           | Tiruvarur                |
| 63   | LH         | GUNASEKARAN M         | MBC       | Villupuram      | Kancheepuram             |

They would report for duty to the District Pudhu Vaazhvu Project Society of the districts concerned. Their appointments is on contract for a period of 2 years from the dates of their joining.

Based on their performance at the end of the contract period, their contract may be extended for a further period. To discontinue the contract during the currency of the contract, either party may give one month's notice or one month's remuneration in lieu thereof and rescind the contract.

They would be given a consolidated remuneration of Rs.17,500/- (Rupees Seventeen thousand five hundred only) per month.

Other benefits viz. leave, holidays Travelling Allowance/Daily Allowance norms, incentives, etc will be as per the rules laid down by the Project.

On joining they will execute the contract of employment. At the time of joining duty, the candidates are requested to produce the originals of all the certificates detailed below:

(1) Age/Date of birth (2)Nativity (3)Community in case of BC/MBC/DNC/SC/ST (permanent certificate) (4) medical fitness Certificate (5) relieving order from the present employer (6) Latest salary drawn details (7) Qualification (8) Experience certificate (9) Two conduct certificates (one from Current employer or a Gazetted Officer of the State Government not below the

rank of Thasildar and another from the academic side).

The candidates are requested to join before 15.12.2011."

8.The order of appointment is an unambiguous. In respect of the terms of the appointment it is categorically stated that the assignment is offered to the writ petitioners on contract basis for a period of 2 years from the date of signing of the contract. However, the extension of contract for further period is the discretion of the competent authorities. The writ petitioners were paid consolidated remuneration of Rs.14,000/- and Rs.17,500/- per month respectively for the services rendered by them. Thus, the terms of appointment are very clear and the writ petitioners were not appointed in regular vacancy as permanent employee. The petitioners were appointed only on contract basis for a specified period and on consolidated pay. This being the nature of appointment, this court is of the opinion that the writ petitioners have not established any legal right for permanent absorption or further continuance in any other new project.

9.The learned counsel appearing for the petitioners urged this court by stating that the respondents have given a promise to the writ petitioners that they will be engaged in the new projects. In this regard, the learned counsel appearing for the petitioners referred a letter sent by the Secretary to Government vide D.O. Letter dated 07.06.2016 and the letter states that the existing employees shall be considered for further absorption in the new scheme.

10.This apart, the District Collector /Chairman of Pudhu Vazhvu Project, Vellore vide his letter dated 21.05.2017 communicated to the Project Director that the staff of Pudhu Vazhvu Project, Vellore district has submitted their representation to consider for the sanction of certain demands, which is quite reasonable and acceptable (copy enclosed). They have also requested to put in the place of the next project called TNRTP, which is going to be implemented in 6 blocks of Vellore District. Since PVP is going to end as on 30.06.2017 therein, demand to take them in TNFTP without any break may kindly be considered favourably as they are deemed fit and desirable to implement the project successfully as done in the PVP for the last 10 years. The District Collector undoubtedly recommended the case of the writ petitioners for their engagement in the newly introduced project. The earlier projects of the writ petitioners were considered for the purpose of their re-engagement in the new project also.

11.This court is of the opinion that these are the aspects to be considered by the competent authorities in the new project. However, this court cannot consider either for permanent absorption of writ petitioners or to re-engage them in the new project. The recommendations of the District Collectors/Chairman of the PVP, Vellore shall be considered by the competent authorities during the appropriate time when the process of recruitment is undertaken. This apart, the General Manager of the Tamil Nadu Corporation for Development of Women Limited also sent a reply to the writ petitioners on 26.10.2017 stating that the applications of the writ petitioners will be considered at the time of implementation of the new scheme.

12.Relying on these letters, the learned counsel for the writ petitioners states the case of the writ petitioners are deserved to be considered. This court is of the opinion that the writ petitioners are serving for a considerable length of time and their services are also appreciated by the officials. This being the factum of the case, the petitioners are at liberty to submit a fresh application seeking for appointment or engagement in the new scheme if any implemented by the State. At the time of considering the application of all the eligible persons the case of the writ petitioners are also to be considered if necessary by providing some weightage for their earlier services.

13.With the observations, this writ petition stands disposed of. However, there is no order as to costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-  
Assistant Registrar(Cs II)

//True Copy//

सत्यमेव जयते  
Sub Assistant Registrar

maya/ggi

To

1. The Secretary to Government,  
Finance Department,  
Fort Saint George,  
Chennai - 600 009.

WEB COPY



2. The Secretary to Government  
Rural Development and Panchayat Raj Department,  
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(Department of Rural Development & Panchayat Raj,  
Government of Tamil Nadu)  
Represented by its Project Direct,  
2nd Floor, Mother Theresa Complex,  
Nungambakkam, Chennai - 600 034.

Copy to: The District Collector  
Chairman of Pudhu Vazhvu Project,  
Vellore District.

+1cc to Government Pleader sR.No.25925

MG(CO)  
sm:17.4.2018

W.P. No.7888 of 2018

सत्यमेव जयते

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