

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.2.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.234 of 2018

B.Suman

Appellant/Petitioner

Versus

- 1 The Principal Secretary to Government
Animal Husbandry, Dairying &
Fisheries (FS2) Department
Secretariat Chennai-600 009
 - 2 The Commissioner of Fisheries
Fisheries Department
DMS Campus Teynampet
Chennai-600 006
 - 3 The Executive Engineer
Tsunami Project Implementation Unit
Nandanam Chennai-600 035
 - 4 The Chief Engineer
O/o.The Commissioner of Fisheries
Fisheries Department
DMS Campus Teynampet
Chennai-600 006
- Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 8.1.2018 passed in W.P.No.286 of 2018 on the file of this court.

WP.286 of 2018: Petition filed under Article 226 of Constitution of India praying for a issue of a Certiorarified mandamus, to call for the records pertaining to the proceedings of the 3rd respondent Na.Ka. No.454/ Su.Thi. Se. A/ B/ 2015 dated 04.12.2017 and quash the same as illegal incompetent and ultravires and consequently direct the respondents to absorb the petitioner in the post of Technical Assistant.

For appellant : Mr.Stalin for
Mr.R.Jayaprakash

For respondents : Mr.R.Prathapkumar, AGP

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and Mr.R.Prathapkumar, learned Additional Government Pleader, who takes notice on behalf of respondents 1 to 4.

2. The writ appeal has been filed by the unsuccessful writ petitioner, challenging the order passed by the learned Single Judge in rejecting the claim of the appellant for absorption in the post of Technical Assistant, having joined the same on contract basis.

3. In para 4 of the order, the learned Single Judge observed as under:-

"This court is unable to accept the case of the petitioner for two reasons. Firstly, the Division Bench of this Court in paragraph 10 of the judgment rendered in W.A. Nos.1177 and 1178 of 2017 dated 4.12.2017, has held that these persons were appointed pursuant to an advertisement and they have also been paid consolidated salary and the scheme is only for a certain period and therefore, they cannot insist for regularisation. Secondly, though taking note of the continuous long service rendered by the petitioners therein from 2013, the Division Bench of this Court issued a direction to consider their candidatures on merits and take a decision in accordance with law for their continuance, but, in the present case, the petitioner was appointed only on contract basis by order dated 23.2.2016 and he has served only one year. Therefore, the petitioner cannot seek a similar direction to absorb him in the post of Technical Assistant."

4. The above fact is not disputed and therefore, the employment of the appellant is in the form of a contract and on expiry of the period of contract, it comes to an end and there

is no question of absorption of the appellant in the post he held. The writ appeal does not merit any consideration. Accordingly, it is dismissed. No costs.

Sd/-
Assistant Registrar (CS IV)

//True copy//

Sub Assistant Registrar

ssk.

To:

- 1 The Principal Secretary to Government
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O/o.The Commissioner of Fisheries
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DMS Campus Teynampet
Chennai-600 006

+1cc to Mr.R.Jayaprakash, Advocate SR.No.12375
+1cc to Government Pleader SR.No.12520

W.A.No.234 of 2018

SJ(CO)
GN(19/03/2018)

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