

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2018

CORAM

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

W.P.No.22233 of 2015

and M.P.No.2 of 2015

M.Sudha

.. Petitioner

vs

- 1 State of Tamilnadu rep.by the
Principal Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St.George, Chennai-600 009.
- 2 Managing Director,
Tamil Nadu Cements Corporation Limited,
Chennai-600 002.
- 3 The District Collector,
Salem.
- 4 Project Director,
District Rural Development and Panchayat Raj,
Salem.
- 5 The Assistant Director,
Rural Development (Audit),
Salem.
- 6 Block Development Officer (Village Panchayat)
Salem.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the proceedings in Na.Ka.No.135/2015/Thi.1/dated 13.07.2015 from the file of the 6th respondent, quash the same and further direct the 6th respondent to reinstate the petitioner in the post of godown incharge under Amma Cement Supply Scheme in Salem Panchayat Union.

For Petitioner : Mr.Shivakumaran
For Respondents : Mr.D.Raghu
Government Advocate

O R D E R

The order of termination dated 13.07.2015 issued by the 6th respondent terminating the service of the writ petitioner is under challenge in this writ petition.

2 The learned counsel appearing on behalf of the writ petitioner made a submission that the writ petitioner had completed M.A. English Literature in the month of April 2014 and he was appointed as godown in-charge for the cement godown factory for the purpose of implementing "Amma Cement Supply Scheme" in Salem Panchayat union. The order of appointment issued to the writ petitioner in proceedings dated 19.06.2015 is enclosed in page 12 of the typed set of papers and the order of appointment filed along with the present writ petition.

3 The order of appointment in clear terms states that the writ petitioner was appointed as temporary godown incharge on consolidated pay of Rs.15,000/- per month. The terms and conditions of the appointment are narrated in the appointment order itself. Clause 6 of the condition states that the appointment is completely temporary. It is brought to the notice of this Court that the writ petitioner was appointed on 17.06.2015, terminated from service on 13.07.2015 and thereafter, he filed the present writ petition challenging the order of termination.

4 The learned Government Advocate appearing on behalf of the respondents opposed the contention by stating that the writ petitioner was appointed on temporary basis on consolidated pay, the terms and conditions of the appointment are clearly stipulated in the order of appointment itself. Therefore, the writ petitioner cannot claim any right in respect of his continuance in the post of godown in charge.

5 This Court is of an opinion that the writ petitioner has accepted the offer of appointment knowing the fact that the appointment is temporary basis on consolidate pay. The terms and conditions are accepted by the writ petitioner while accepting the offer of appointment. Having accepted the terms and conditions of appointment, now the writ petitioner cannot say that he is not allowed to continue his service. When the writ petitioner was appointed in a scheme of the appointment which is purely temporary and he was terminated from service subsequently then the writ petitioner cannot claim that he is entitled to continue his service.

6 Further, the writ petitioner had hardly served about 24 days as godown in-charge, considering the length of the service also, the case of the writ petitioner cannot be considered. The order of termination issued against the writ petitioner is a termination simplicitor on the terms and conditions stipulated in the order of appointment, thus there is no infirmity as such in respect of the impugned order passed against the writ petitioner. The writ petitioner having served

about 24 days cannot file a writ petition stating that he is entitled to continue his service on temporary basis.

7 Thus, the writ petition is devoid merits, the writ petition stands dismissed. Consequently, the connected Miscellaneous Petition is also closed. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

rpl

To

- 1 The Principal Secretary to Government,
State of Tamilnadu
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Salem.
- 5 The Assistant Director,
Rural Development (Audit),
Salem.
- 6 Block Development Officer (Village Panchayat)
Salem.

+1cc to Mr.S.D.Shivakumaran, Advocate, S.R.No.51044

+1cc to the Government Pleader, S.R.No.51325

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GSP(10/08/2018)