

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.08.2018

CORAM

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

W.P.No.16448 of 2017

M.Sathiyan

.. Petitioner

vs

1.Union of India
rep. by Government of Puducherry,
Chief Secretariat,
Puducherry-605 001.

2.Government of Puducherry,
rep. by its Secretary,
Health Department,
Puducherry-605 001.

3.The Director,
Indira Gandhi Medical College,
Puducherry-605 009.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records from the file of the the third respondent impugned Recruitment Notification dated 09.06.2017 in No.151-11/IGMC&RI/Estt/Contract/SN/2017/896 and quash the same and consequently direct the third respondent to reinstate the petitioner in W.P.No.25268 and 30014 of 2016, W.P. No.5835 of 2017 and W.P. No.8645 of 2017.

For Petitioner : Mr.D.Sreenivasan

For Respondents: Mr.A.Gandhi Raj,

Government Pleader (Puducherry)

O R D E R

The Recruitment Notification dated 09.06.2017 is sought to be quashed in this writ petition and a further direction is sought for directing the third respondent to re-instate the writ petitioner in W.P. Nos.25268 and 30014 of 2016 and 5835 of 2017 and 8645 of 2017.

2.The writ petitioner was appointed on contract basis in the Indira Gandhi Medical College and Research Institute, an Institution owned by the Government of Puducherry and he was appointed on consolidated pay. In other words, the writ petitioner was appointed on temporary basis on consolidated pay and therefore, he cannot seek regularisation of his services or permanent absorption posts on such appointments. The order of appointment enclosed in page 1 of the typed set of papers filed along with the writ petition is clearly stated that the writ petitioner was offered for an engagement to the respective posts on contract basis with a consolidated remuneration. The conditions stipulated in the order of engagement are extracted hereunder:

- (i) During the period of engagement, consolidated monthly remuneration will be paid. Proportionate amount will be recovered the days of absence.
- (ii) No other allowances other than remuneration will be paid during the engagement.
- (iii) The engagement will confer any regular appointment in this Institute nor any right for the same.
- (iv) The Institute reserves the right to terminate the engagement without any notice or assigning any reason.
- (v) The engaged person shall devote his/her full time services to the Institute only and shall not engage himself/herself in any other salaried activities.
- (vi) Insubordination, misbehaviour and/or any kind of misconduct will be viewed seriously and is liable for immediate termination of his/her engagement.
- (vii) The person will be posted to work in any Section/Unit of the College/Hospital of this Institute and liable to be transferred to other Section/Unit etc.
- (viii) No claim to work in a particular Section/Unit/Ward etc. will be entertained.
- (ix) Punctuality shall be maintained in attending the duty spot and any work as may be assigned by the superiors shall be carried out.
- (x) He/she is eligible for a maximum of 12 days leave in Calendar year.
- (xi) If he/she absents continuously for a period exceeding 15 days without assigning any reasons, the engagement shall be liable for forthwith termination.
- (xii) He/she should report for duty before the undersigned immediately, failing which the offer of engagement will be cancelled, without any intimation.

3.This Court in a similar circumstance, has dismissed the W.P. Nos.16700 of 2016 etc. batch on 01.08.2017 observing as follows:

'6.... Thus, the writ petitioners cannot claim any right for continuance or for permanent absorption. The respondents further stated that the regular appointment has to be made in accordance with the Recruitment Rules and therefore, the writ petitioners have no right to claim engagement or continuation in service.'

4.In view of the above, this writ petition is dismissed. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Government of Puducherry,
Union of India
Chief Secretariat,
Puducherry-605 001.

2.The Secretary,
Government of Puducherry,
Health Department,
Puducherry-605 001.

3.The Director,
Indira Gandhi Medical College,
Puducherry-605 009.

+1cc to Mr.D.sreenivasan, Advocate, S.R.No. 54554

+1cc to the Government Pleader, S.R.No.54584

W.P.No.16448 of 2017

NM(CO)
GN(04/09/2018)