

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :30.10.2018

CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.29502 of 2014
and
M.P.Nos.1 & 2 of 2014

D.Subramanian

..Petitioner

vs

1.The Secretary,
Cooperative, Food and Consumer Protection Department,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009.

2.The Managing Director,
Tamil Nadu Civil Supplies Corporation, Kilpauk,
Chennai - 600 010.

3.The General Manager / Senior Regional Manager,
Divisional Office,
Tamil Nadu Civil Supplies Corporation,
Thiruvavarur.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for records in Letter (Standing) No.94/A1/2014 dated 19.9.2014 on the file of the 1st respondent and consequential order in Na.Ka.No.P3/9588/2010 dated 24.9.2014 on the file of the 3rd respondent and quash the same and directing the respondents to enroll the petitioner in the muster of Seasonal employees under the category of Bill Clerk with Seniority.

For Petitioner :Mr.G.Rajan

For Respondents :M/s.T.Girija for R1
Mr.L.P.Shanmugasundaram, for R2 & R3

O R D E R

The relief sought for in this writ petition is to call for the records in relation to the Letter issued by the 1st respondent in proceedings dated 19.09.2014 and the consequential order passed by the 3rd respondent in proceedings dated 24.09.2014 and quash the same.

2. Admittedly, the writ petitioner was engaged as Seasonal Bill Clerk for a period of six months for every year. The writ petitioner was appointed only as a Seasonal Bill Clerk for the purpose of completing the works by the respondent Corporation. However, on account of certain allegations, the writ petitioner was blacklisted.

3. The learned counsel appearing on behalf of the respondents made a submission that during the surprise inspection by the officials of the Department of Vigilance and Anti-Corruption, certain excess amount was found with the writ petitioner and accordingly, he was blacklisted from engaging as Seasonal Bill Clerk for a period of three years.

4. This Court is of an opinion that the writ petitioner was engaged only as a Seasonal Bill Clerk for six months every year and therefore, he is not a regular employee of the Corporation. This apart, he was blacklisted on account of certain allegations of corruption, more specifically, by the Department of Vigilance and Anti-Corruption. A criminal case was registered against the writ petitioner and the same is also pending. Under these circumstances, whenever a decision is taken to engage all such Bill Clerks in the respondent Corporation, the writ petitioner is also permitted to submit his application, seeking appointment as Seasonal Bill Clerk.

5. With these observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Cooperative, Food and Consumer Protection Department,
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Fort St. George,
Chennai - 600 009.

2. The Managing Director,
Tamil Nadu Civil Supplies Corporation, Kilpauk,
Chennai - 600 010.

3.The General Manager, / Senior Regional Manager,
Divisional Office,
Tamil Nadu Civil Supplies Corporation,
Thiruvarur.

+1cc to Mr.G.Rajan, Advocate, S.R.No.74768

+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.75041

+1cc to the Government Pleader, S.R.No.74880

W.P.No.29502 of 2014

SSD(CO)

rrs 03/12/2018