



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.1224 of 2013andM.P.(MD) No.1 of 2013

K.Thirumalai

... Petitioner

Vs.

1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.

2.The Commissioner,
Anadhanallur Panchayat Union,
Andhanallur,
Srirangam Taluk,
Tiruchirappalli District.

3.The President,
Pothavur Village Panchayat,
Srirangam Taluk,
Tiruchirappalli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents 1 & 2 to issue suitable direction to the 3rd Respondent for permitting the Petitioner to work as Over Head Tank Operator at 3rd Respondent Panchayat.

For Petitioners : M/s.K.Naveena

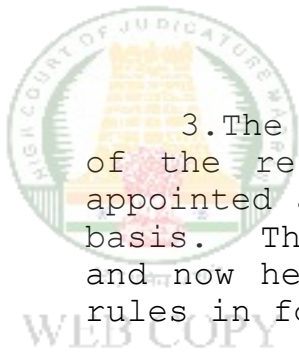
For R1 and R2 : Mr.M.Muthu

Additional Government Pleader

O R D E R

The relief sought for in this writ petition is to direct the respondents 1 & 2 to issue suitable direction to the 3rd respondent for permitting the Petitioner to work as Over Head Tank Operator at 3rd Respondent Panchayat.

2.The learned counsel for the writ petitioner states that the writ petitioner was appointed as Over Head Tank Operator in the third respondent panchayat during the year 2000. However, the writ petitioner was ousted from service in the year 2011 and thereafter, he was not working in the panchayat.



3.The learned Additional Government Pleader appearing on behalf of the respondents 1 and 2 states that the writ petitioner was appointed as temporary employee and more specifically, on part time basis. Therefore, he was discharged from service in the year 2011 and now he cannot seek any further appointment in violation of the rules in force.

4.The writ petitioner has not even submitted an order of appointment issued in his favour. Therefore, it is apparent that the writ petitioner was engaged as part time Over Head Tank Operator in the third respondent panchayat union. The regular appointment is to be made to the said post in accordance with the recruitment rules in force. The process of selection has to be conducted for the purpose of filling all the regular post.

5.Under these circumstances, mere continuance of his service as part time Over Head Tank Operator cannot provide him any right for further appointment in the permanent sanctioned post. The writ petitioner is at liberty to participate in the process of selection, whenever the recruitment notifications are issued in this regard. Thus, the writ petitioner has not established any legal right, so as to issue any direction to provide him an appointment as such sought for in this writ petition.

6.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.

2.The Commissioner,
Anadhanallur Panchayat Union,
Andhanallur,
Srirangam Taluk,
Tiruchirappalli District.

+1cc to M/S.K.Govindarajan, Advocate SR.No. 57142

+1cc to Special Government Pleader, SR.No. 56709

W.P. (MD) No.1224 of 2013
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