



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P. (MD) No.6706 of 2011

and

M.P. (MD) Nos.1 and 2 of 2011

and

W.M.P. (MD) No.18618 of 2017

P.Jayakrishnan

... Petitioner

Vs.

1. The Managing Director,
Poompuhar Shipping Corporation Ltd.,
692, Anna Salai Nandhanam,
Chennai - 600 035.

2. The General Manager,
Poompuhar Shipping Corporation Ltd.,
692, Anna Salai Nandhanam,
Chennai - 600 035.

3. The Manager,
Poompuhar Shipping Corporation Ltd.,
Kanyakumari,
Kanyakumari District.

4. The Assistant Director,
Ex-Servicemen's Welfare Office,
Nagercoil - 629 001,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in connection with the impugned order passed by the 2nd respondent herein in No.Nil dated 06.10.2010, quash the same and consequently directing the 4th respondent herein to sponsor the name of the petitioner as per Employment Reg.No.Ex.10/2008, dt.24.10.2008 and consequently directing the respondents 1 to 3 herein to appoint the petitioner in any one of the 24 permanent vacancies for the post of Marine Assistant now available in Poompuhar Shipping Corporation Ltd., Kanyakumari under the 10% of (Ex-Servicemen) quash fixed as per G.O.Ms.No.919, Public (Ex-Servicemen) Department dated 09.6.1982.



For Petitioner : Mr.S.Bharathykannan
For R1 to R3 : Mr.M.Azeem
For R4 : Mr.C.Nandagopal

ORDER

WEB COPY

The relief sought for in this writ petition is for a direction to call for the records in connection with the impugned order of rejection passed by the 2nd respondent herein in proceedings dated 06.10.2010 and to quash the same and to direct the 4th respondent to sponsor the name of the petitioner as per the Employment Exchange Seniority and to appoint him in the permanent vacancy as Marine Assistant.

2.The writ petitioner was not at all appointed by the respondents 1 and 2. All are the competent authorities to appoint the employees in Poombuhar Shipping Corporation Ltd. The Corporation is owned by the "State" and all appointments are to be made only by following the recruitment rules in force. However, the writ petitioner was not appointed by the competent appointing authorities in accordance with the recruitment rules in force. The writ petitioner was engaged on contract basis and he was terminated by the contractor, who engaged the writ petitioner. However, the services of the writ petitioner are no way connected with Poompuhar Shipping Corporation Ltd., as they have entrusted a contract with the private contractor. The writ petitioner was engaged and he was deputed to serve in the Poompuhar Shipping Corporation Ltd. Therefore, the writ petitioner cannot claim any right in respect of the service rendered with the Poompuhar Shipping Corporation Ltd.

3.At the out set, the writ petitioner was neither engaged nor appointed by the respondents in Poompuhar Shipping Corporation Ltd. Thus, the question of granting regularization or permanent absorption does not arise at all.

4.Even, in the impugned order, it is clearly stated that the case of the writ petitioner can be considered only in accordance with the recruitment rules in force and if he participates in the process of selection. This being the reply given, this Court is of an opinion that the writ petitioner has not made out any ground for permanent absorption or for a fresh appointment. All appointments are to be made only in accordance with the rules and by providing equal opportunity to all the eligible candidates. Thus, the relief as such sought for cannot be granted and there is no infirmity as such in respect of the order impugned passed in this writ petition.

5.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected



3

miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

/True Copy/

WEB COPY

Sub Assistant Registrar

- + 1 cc TO Mr.C.Nandagopal , Advocate in SR No. 56418
- + 1 cc TO Mr.M.Azeem , Advocate in SR No. 56191
- + 1 cc TO Mr.S.Bharathy Kannan , Advocate in SR No. 56367

mm

AE/JC/SAR1/06.04.2018/3P/4C

W.P. (MD) No.6706 of 2011

19.03.2018