

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.01.2019
CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.39350 & 39357 of 2006

P.Venkatesa Kumar ...Petitioner in W.P.No.39350 of 2006

A.Vijayan ...Petitioner in W.P.No.39357 of 2006

Vs

Pondicherry Planning Authority,
represented by its Member Secretary,
Pondicherry.

...Respondents in both writ petitions

COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to Order No.3992/PPA/Estt./2006/A2/159 dated 04.10.2006, quash the same and forebear the respondent from terminating the service of the petitioner.

For Petitioners : Mr.JaiBharath
(in both writ petitions)

For Respondents : Mr.A.V.Ramalingam,AGP
(Puducherry)
(in both writ petitions)

COMMON O R D E R

The relief sought for in the present writ petition is to quash the order dated 04.10.2006, terminating the service of the writ petitioners. The writ petitioners were appointed as Personal Staff to the Chairman, Pondicherry Planning Authority. The order of appointment is enclosed in page No. 1 of the typed set of papers filed along with the writ petitioners.

2. The appointment reads as under,

The individuals, listed in the Annexure to this Memorandum are appointed as personal staff to the Chairman, PPA as per the designation noted against each with immediate effect.

2. They will draw pay in the scale of Rs.3050-4590 and Rs.2550-3200 respectively as per their designation plus usual allowances as admissible under rules.

i) The term of their appointment is purely on adhoc basis.

ii) The appointment will be co-terminus with that of non-official Chairman of PPA.

iii) The term of appointment will coincide with the tenure of the present Chairman, PPA or will be in force till he requires their services whichever is earlier.

iv) They will be ousted from service without any notice when the necessity of his service ceases and they will not have any claim for regular appointment or absorption either in the PPA or in the Government service irrespective of whatever the duration of their adhoc appointment.

v) Further, the appointment in respect of SI.No. 1 and 2 in the Annexure will be subject to getting the relaxation of Recruitment Rules from Government.

3. The condition No.2 states that " the appointment will be co-terminus with that of non-official Chairman of PPA". When the order of appointment itself states that the nature of appointment is co-terminus, then the writ petitioner is to be terminated on the date of the retirement of the Chairman concerned. The Chairman, who appointed the writ petitioner in the present case retired from service, and the writ petitioner was terminated from the service on account of the retirement of the Chairman, who engaged the writ petitioners as Co-terminus.

4. This being the conditions of the appointment, the claim of the writ petitioners to reinstate them does not arise at all. The writ petitioners have to secure public employment only by participating the competitive exams and there is no infirmity as such in respect of the orders impugned in the present writ petition.

5. Accordingly, these writ petitions are devoid of merits and stand dismissed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kmm

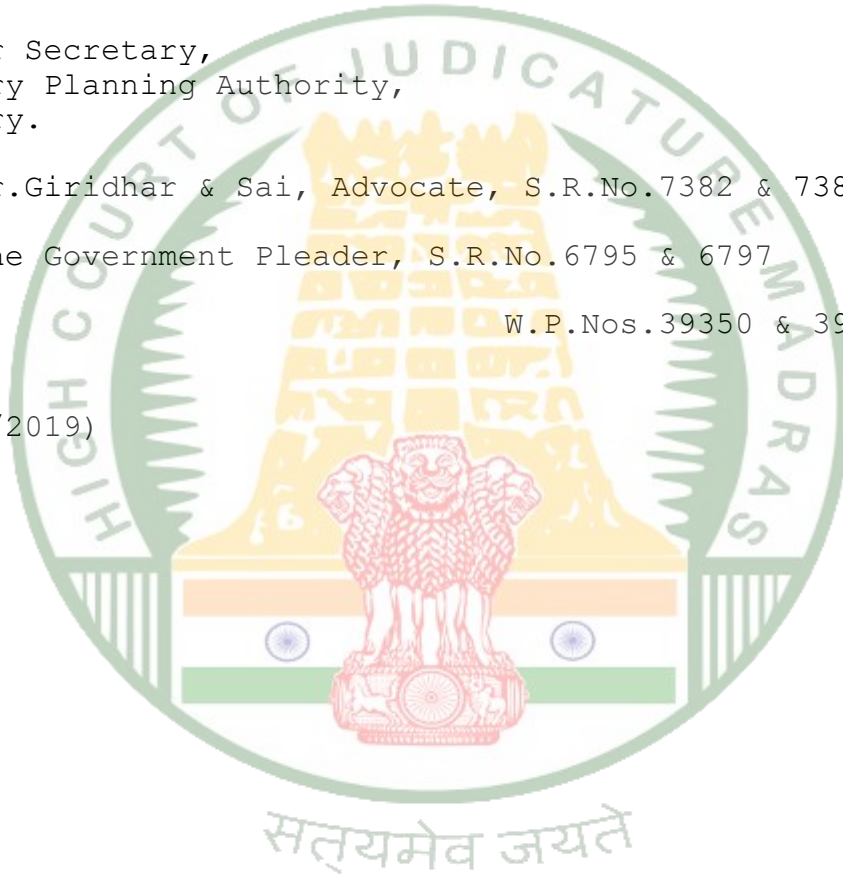
To
The Member Secretary,
Pondicherry Planning Authority,
Pondicherry.

+2cc to Mr.Giridhar & Sai, Advocate, S.R.No.7382 & 7383

+1cc to the Government Pleader, S.R.No.6795 & 6797

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NMI (CO)
GSP (06/03/2019)



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