

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.650 of 2018

1.K.Panudass
2.N.Sactivelu
3.T.Gopalakrishnan
4.N.Kavitha
5.N.Durai Meenatchi Raja ... Petitioners

Vs

1.Puduchery Power Corporation Limited,
(A Government of Puduchery Undertaking)
Rep. By the Executive Engineer (Mech),
Project Office, T.T.Pattinam,
Karaikal - 609 607
2.The Managing Director,
Puducherry Power Corporation,
Project Office, T.T.Pattinam,
Karaikal - 609 607 ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue any Writ, Order or direction and in particular issue a Writ of Certiorarified Mandamus to call for records pertaining to the order No.PPCL/MD/Estt/2016/1207 dated 08.03.2016 issued by the 2nd respondent, quash the same and to direct the respondents to re-engage the petitioners as per the 121st Emergent Meeting of Board of Directors of the 1st respondent Corporation, dated 12.02.2016.

For Petitioner : Mrs.S.Meenakshi
For Respondents : Mr.A.V.Ramalingam
Additional Government Pleader
(Puducherry) for R1 and R2

O R D E R

The learned counsel for the writ petitioner is fair enough to make a submission that the writ petitioner has no right to seek regulations or permanent absorption in the sanctioned posts. The learned counsel is further fair enough to inform this Court that the services of the Co-terminus expires

along with the person who issued an order of appointment of an employee as Co-terminus.

2. In the present writ petition on hand, admittedly, the writ petitioner was appointed as Co-terminus by the Chairman of Puducherry, Power Corporation Limited (The Government of Puducherry undertaking). The concept of appointing employees in the Co-terminus basis is to ensure that the Authorities can efficiently deliver their official functions in the interest of the public at large. However, the terms of appointment is unambiguous that on the date of retirement of the person who issued an appointment order the tenure of the Co-terminus also expires.

3. In the present case on hand, admittedly, the tenure expired and therefore, the writ petitioner was relieved from the post. The learned counsel for the writ petitioner states that large number of vacancies are available and in the event of engaging any other new person from the open market, the case of the writ petitioner also to be considered. This Court is of an opinion that all appointments to the sanctioned posts are to be done only by following the recruitment rules in force. A person who was engaged as Co-terminus will not acquire any right to claim permanent absorption or regularization or for any fresh appointment.

4. In the event of fresh appointment, the writ petitioner is also at liberty to participate in the selection process along with all other eligible candidates in the manner prescribed. Thus, there is no privilege attached to the persons who were engaged as Co-terminus and on expiry of tenure, the persons have to appear in the selection process for the purpose of securing public employment.

5. This being the principles to be followed, the writ petitioner admittedly appointed as a Co-terminus and the tenure already expired, no right has been established and it is left open to the writ petitioner to participate in the selection process if any notified in the manner known to law.

7. With these observations, the writ petition stands dismissed. No Costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Pkn/sbn

To

1. The Executive Engineer (Mech),
Puducherry Power Corporation Limited,
(A Government of Puducherry Undertaking)
Project Office, T.T.Pattinam,
Karaikal - 609 607

2.The Managing Director,
Puducherry Power Corporation,
Project Office, T.T.Pattinam,
Karaikal - 609 607

+1 cc to The Government Pleader, (Puducherry), Sr.No.9570

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GJ(CO)
CSL/05.03.2019



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