



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2019

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THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Appeal No.1995 of 2019

1. K.Paundass
 2. Sactivelu, N
 3. T.Gopalakrishnan
 4. N.Kavitha
 5. Durai Meentachi Raja.N
- Appellants/Petitioner

Vs

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

Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 04.02.2019 made in WP NO.650 of 2018 passed by the Honble Court.

W.P.650/2018:

Writ Petition filed under Article 226 of the constitution of India to 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 and 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.

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For Appellants : Ms.S.Meenakshi

For Respondents: Ms.Usha, Addl. Spl.Govt. Pleader
(Pondy)

J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.,)

The appellants were engaged on co-terminus basis in the Pondicherry Power Corporation Limited. The Corporation, after the expiry of the period of engagement, passed an order disengaging the service of the appellants. The said order was unsuccessfully challenged before the Writ Court. Feeling aggrieved, the appellants have come up with this intra Court appeal.

2. The learned counsel for the appellants on the basis of the resolution passed by the Board of Directors of the Pondicherry Power Corporation Limited contended that a decision was taken by the Corporation to engage the appellants on daily wages. According to the learned counsel, the appellants would be satisfied in case they are engaged as casual labours.

3. The appointments in question were all made to assist the Chairman of the Corporation. The appointment orders very clearly indicate that it was made on co-terminus basis, meaning thereby, the employees have no right to continue after the expiry of the term of the concerned Chairman. The appellants knowing fully well that their engagement were co-terminus in nature, accepted it and continued to function in the said capacity in the Pondicherry Power Corporation Limited. The fact that subsequently a decision was taken to consider them for daily wages would not give them a right to claim regular employment or even engagement on daily wage basis for the simple reason that the initial appointment was not by following a transparent process. Even the letter of appointment given to the appellants contain a provision that their engagement is purely temporary and they would have no right to claim regular appointment.

4. The appointments were made only by the Chairman for the limited period. Since the appointment is co-terminus, the appellants have to quit the service the moment the period of the Chairman is over. We are therefore of the view that there is absolutely no merit in the contentions taken by the appellants.



5. It is open to the appellants to make application for appointment in case a public notification is issued by the Corporation calling for applications for public employment. However, we make it clear that no claim for regularisation shall be entertained by the Corporation in case there are posts available for regular appointment.

The Corporation must adopt a fair and transparent process for making appointments.

6. The intra Court appeal is dismissed with the above observation. No costs.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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To

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EV(CO)
SP(05/08/2019)