



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

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W.P.(MD)No.1694 of 2014

and

M.P.(MD)No.1 of 2014

Tamil Nadu Government Department Drivers
Central Association,
(Government Recognized vide G.O.No.655/72)
Represented by its State President,
T.Jeyakodi,
Having its registered office at,
No.4, Mayor V.R.Ramanathan Salai,
Chepet, Chennai-31.
Madurai Office Address
No.81, Vellalar Street, Arapallaiyam,
Madurai-7.

... Petitioner

-Vs-

- 1.The Principal Secretary to Government,
Environment & Forests Department,
Chennai-9.
- 2.The Secretary to Government,
Department of Revenue,
Chennai-9.
- 3.The Principal Chief Conservator of Forests,
Panagal Building, Saidapet, Chennai-15.
- 4.The Managing Director,
Tamil Nadu Ex-servicemen Corporation Limited (TEXCO),
Chennai-15.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents 1 to 3 from in any way fill up the vacancies of drivers available in various Government departments by recruiting from the 4th respondent's corporation and consequently, to direct the respondents 1 to 3 to fill up the post of drivers by regularizing the services of the temporary drivers, being the members of the petitioner's association working in various Government departments.



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For Petitioner : Mr.N.Sathish Babu
For R1 to R3 : Mr.M.Jeyakumar,
Additional Government Pleader.
For R4 : Mr.A.Nawazkumar,
For M/s.Ajmal Associates.

ORDER

The present Writ Petition is filed by the Tamil Nadu Government Department Drivers Central Association.

2.The relief sought for in the present Writ Petition is to forbear the respondents 1 to 3 from in any way fill up the vacancies of drivers available in various Government Departments by recruiting from the fourth respondent's Corporation. Further direction sought for is to direct the respondents 1 to 3 to fill up the post of drivers by regularizing the services of the temporary drivers, being the members of the writ petitioner's association, working in various Government Departments.

3.The writ petitioner association filed this Writ Petition by stating that the temporary drivers, who are the members of the writ petitioner association, are to be regularized in the sanctioned post in the regular time scale of pay. Till such time, the Government of Tamil Nadu should not appoint any other drivers in any department in the State Government.

4.The prayer sought for is absolutely misconceive. The writ petitioner association has no right to claim that no driver should be appointed in any department. This apart, temporary employment is not a ground to claim regularization or permanent absorption. Regularization or permanent absorption is to be granted strictly in accordance with the recruitment rules in force. Now the legal principles with reference to grant of regularization or permanent absorption are settled by the Constitution Bench of the Hon'ble Supreme Court of India in the case of **Secretary, State of Karnataka and others Vs. Umadevi and others** reported in (2006) 4 SCC (1).

5.Thus, the regularization or permanent absorption cannot be granted in respect of the temporary employees, who are all not appointed in the recruitment rules.

6.This being the legal principles settled, the relief as such sought for to forbear the respondents 1 to 3 from filling up the vacancies of Driver in various departments cannot be granted at all. This apart, the association itself cannot maintain a Writ Petition in respect of the grievances of the temporary drivers, who are all aspiring to secure regularization or permanent absorption. Accordingly, the grounds raised in the present Writ Petition deserve no merit consideration.



7. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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// True Copy //

Sub Assistant Registrar (CS)

To

1. The Principal Secretary to Government,
Environment & Forests Department,
Chennai-9.
2. The Secretary to Government,
Department of Revenue,
Chennai-9.
3. The Principal Chief Conservator of Forests,
Panagal Building, Saidapet, Chennai-15.

+1 CC to M/s. AJMAL ASSOCIATES, Advocate (SR-80894[F] dated 09/08/2019)

+1 CC to SPL GP (SR-81167[F] dated 09/08/2019)

W.P. (MD) No. 1694 of 2014
08.08.2019

MYR

MK (27.08.2019) 3P 6C