



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2019

CORAM:

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

W.P. (MD) No. 3411 of 2014
and
M.P (MD) Nos. 1 & 2 of 2014

M.Maheswari

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Executive Officer,
Town Grade I Panchayat Office,
Nanguneri,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in relating to the impugned order passed by the second respondent in Na.Ka.No.375/2013/A1 dated 6.2.2014 and quash the same and direct the second respondent to to reinstate the petitioner into service forthwith with a continuity of service and all consequential benefits.

For Petitioner	: Mr.R.Satish
For R1	: Mr.K.Mu.Muthu, Additional Government Pleader
For R2	: Mr.A.Muthukaruppan

ORDER

The order of Ousting of the services of the writ petitioner in proceedings, dated 6.2.2014 is under challenge in the present writ petition.

2.The petitioner was appointed as Computer Operator in the second respondent Grade I Town Panchayat on contract basis. The learned counsel appearing on behalf of the writ petitioner states that subsequently the writ petitioner was engaged as daily wage employee. Earlier the writ petitioner filed W.P.(MD)No.19644 of 2013 and this Court directed the respondent to consider the representation submitted by the writ petitioner and pass orders.



Accordingly, the impugned order has been passed in proceedings dated 6.2.2014 stating that the writ petitioner was appointed on temporary basis as contract employee as computer operator. Thus, the writ petitioner was ousted from service on account of administrative reasons. The impugned order states that in the interest of the administration, the writ petitioner was ousted from service. This being the factum, this Court is of the considered opinion that the writ petitioner has not made out any valid ground.

3.Contract appointees, daily wage employees cannot claim regularisation or permanent absorption. The nature of the employment is unambiguous that whenever the job or project is available, the employer is empower to engage the daily wage employees on contract basis. The computer operators are appointed for the computerisation of the Government Offices. This being the nature of the project, this Court is of the opinion that the persons who were engaged on contract basis on daily wages cannot claim regularisation or permanent absorption in view of the legal principles settled by the Constitution Bench of the Hon'ble Supreme Court in the case of **Secretary, State of Karnataka and others Vs. Umadevi (3) and others** reported in (2006) 4 Supreme Court Cases 1.

4. It is made clear that such contract employees if at all ousted from service on administrative ground cannot challenge the order for the purpose of re-employment. However, if their services are satisfactory, employers can engage their services in a future project or if any scheme is available to engage such daily wage employees or contract employees. Thus, the case of the writ petitioner also shall be considered if the services of contract employees or daily wage employees are required and not otherwise. This being the principles to be followed, the impugned order of rejection, dated 6.2.2014 is in consonance with the legal principles settled by the Supreme Court of India and there is no infirmity as such.

5. Accordingly, the writ petition is devoid of merits and stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar

To

The District Collector,
Tirunelveli District,
Tirunelveli.

<https://hcservices.ecourts.gov.in/hcservices/>



W.P(MD)No.3411/2014

+1 CC to M/s.SPL GP (SR-82430[F] dated 20/08/2019)

+1 CC to M/s.J.SENTHIL KUMARAI AH, Advocate (SR-82689[F] dated 21/08/2019)

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W.P. (MD)No.3411 of 2014

19.08.2019

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JM/30.08.2019/3P/4C