

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.02.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.2402 of 2020
and WMP Nos.2803, 2804 & 2805 of 2020

1. A.Rajaram
2. L.Selvi
3. K.Jayanthi
4. K.Francisca Ezhilarasi Petitioners

Vs.

1. The Government of Tamil Nadu,
Rep by the Secretary,
Revenue Department,
Fort St. George, Chennai 600 009.
2. The Special Commissioner and
Commissioner for Revenue Administration,
Ezilaham, Chepauk,
Chennai 600 005.
3. The District Collector,
Villupuram District,
Villupuram. ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned G.O.(1D) No.87 Revenue and Disaster Management Department dated 01.03.2008 issued by the 1st respondent, quash the same in so far as relieving the petitioners from service and directing the respondents to absorb the petitioners and regularize their service to the cadre of typist / junior assistant by conducting competitive examination through Tamil Nadu Public Service Commission as done in the case Passport section data Entry Operators employed in Collectorate, Assistant/Junior Assistant employed under Tsunami Relief Scheme, Election works etc.

For Petitioners : Mr.Adithya Reddy

For Respondents : Mr.P.V.Selvakumar
Additional Government Pleader

O R D E R

This Writ petition has been filed challenging the Government Order dated 01.03.2008 and for a direction to the respondents to absorb the petitioners into service and to regularise their service.

2. The case of the petitioners is that they were temporarily appointed as Data Entry Operators on consolidated pay in the year 2007. The petitioners were engaged continuously till the year 2017. The service of the petitioners was dispensed with from the year 2018 onwards. Therefore, the petitioners along with similar placed persons, made a request to the first respondent to regularise their service as Data Entry Operators.

3. The second respondent had forwarded the recommendation to the first respondent to the effect that service of the Data Entry Operators can be regularised and competitive test/examination can be conducted and vacancy can be created, wherein these persons can be fitted. According to the petitioners, the first respondent had issued a Government Order in the year 2010 to absorb persons, who were engaged during the Tsunami Relief Works, as Junior Assistant/Typist.

4. The petitioners approached this Court and this Court by an order dated 28.02.2017, directed the first respondent to consider the claim made by the petitioners in line with the recommendation made by the second respondent and pass orders within a period of 12 weeks.

5. The first respondent has now passed a impugned G.O. (1D) No.87, dated 01.03.2018, rejecting the claim made by the petitioners on the ground that the petitioners were only engaged on a temporary basis till the year 2018 and they were not engaged in a sanctioned post. It is further stated in the impugned Government order that the services of the petitioners were not required after 2018 and the purpose for which the petitioners were engaged also does not survive and therefore, the claim made by the petitioners cannot be entertained and there is no question of regularising the services of the petitioners.

6. The learned counsel for the petitioners submitted that the petitioners were continuously engaged for a long time and recommendation was also made by the respondents to regularise the services of the petitioners and to take the petitioners into service by conducting a competitive test/examination. The learned counsel further submitted that the petitioners were dependant on this job, since they were engaged continuously from the year 2007 onwards.

7. The learned Additional Government Pleader appearing on behalf of the respondents submitted that the petitioners do not have any legal right to be considered for regularisation and appointment. He further submitted that the petitioners were engaged only on a temporary basis and the purpose for which the petitioners were engaged is also over. Therefore, there is no question for regularising the services of the petitioners.

8. This Court does not find any illegality in the Government Order passed by the first respondent. The petitioners very well knew that they were engaged only on temporary basis for a particular scheme of the Government. It is true that the second respondent had made a recommendation, but that does not however bind the first respondent and it was for the first respondent to independently see as to whether the services of the petitioners can be regularised. The first respondent has stated in the Government Order that the very scheme has come to an end and therefore, there is no necessity for engaging the services of the petitioners after the year 2018. That apart, the petitioners were not engaged in any sanctioned post and the very post under which the petitioners were engaged, was temporary in nature. This Court does not find any illegality in the impugned order passed by the respondents and the petitioners have no right to claim for regularisation of their temporary appointment.

9. In the result, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

jv

To

1.The Secretary to Government
Government of Tamil Nadu,
Revenue Department,
Fort St. George, Chennai 600 009.

2.The Special Commissioner and
Commissioner for Revenue Administration,
Ezilaham, Chepauk,
Chennai 600 005.

3.The District Collector,
Villupuram District,
Villupuram.

+lcc to Mr.Adithya Reddy, Advocate SR.8298
+lcc to the Government Pleader SR.8573

W.P.No.2402 of 2020
and WMP Nos.2803, 2804 & 2805 of 2020

GMR (CO)
CB(05/03/2020)



WEB COPY