

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 20.01.2020
CORAM
THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH
WP.No.965 of 2020
and
WMP.Nos.1178 and 1179 of 2020

1. R.Pari
2. R.Rajendhiran
3. P.Ramesh
4. N.Rajasekaran
5. V.Balasubramanian
6. P.Balamurugan
7. A.Kannan
8. R.Baskaran
9. M.Suresh

.. Petitioners

- Vs -

1. The Managing Director,
Tamil Nadu State Marketing Corporation Limited,
4th Floor, CMDA Tower-2,
Gandhi Irwin Road,
Egmore, Chennai-8.
2. The Deputy Collector/District Manager,
TASMAC Limited,
Nagapattinam District (at Thirubuvanam).
3. The General Manager,
Tamil Nadu Ex-Servicemen's Corporation Limited (TEXCO),
Major Parameswaran Memorial Building,
Srinagar Colony, Chennai-15.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings of the first respondent herein dated 08.01.2020 in Na.Ka.No.M.1/13476/2016 and quash the same consequently direct the respondents 1 and 2 to provide continuity service with all monetary benefits.

For Petitioners : Mr.R.Nalliyappan

For Respondents : Mr.M.John Kennady

O R D E R

This writ petition has been filed challenging the impugned proceedings of the first respondent dated 08.01.2020.

2. The case of the petitioners is that they are Ex-Servicemen, who are registered with the third respondent and they were all appointed as Junior Assistants based on the agreement entered into with the respondents.

3. The grievance of the petitioners is that the first respondent, by his proceedings dated 08.01.2020, has directed the petitioners to be relieved from their service at the end of the contractual period. This is challenged by the petitioners mainly on the ground that no notice was given to the petitioners and therefore, the impugned order passed by the first respondent suffers from violation of principles of natural justice.

4. Heard Mr.R.Nalliyappan, learned counsel appearing for the petitioner and Mr.M.John Kennady, learned counsel appearing for the respondents.

5. It is the admitted case of the petitioners that the petitioners were appointed pursuant to an agreement entered into with the respondents, wherein, the service period of the petitioners is also fixed and it is purely a contractual employment governed by the agreement. At the end of the agreement period, the petitioners will have to be relieved from service and the petitioners cannot claim any right over employment, since it is not a sanctioned post and the petitioners have not been taken as regular employees.

6. The issue on hand is squarely covered by the law that is already settled by the Hon'ble Supreme Court. The Hon'ble Supreme Court, in the case of GRIDCO Limited and another Vs. Sri Sadananda Doloi and others reported in 2012 2 MLJ 998 has held that renewal contract of employment based on an agreement, depends on the perception of the management as to the usefulness of the employee. It was further held that an employment, which is purely based on contract basis, cannot be subjected to Judicial review, unless the termination is mala fide, arbitrary, irrational or unreasonable.

7. The above judgment of the Hon'ble Supreme Court has been followed by the Division Bench of this Court very recently in the case of The Manager (Administration and Personnel) Vs. Dr.Kaushik Ghosh reported in 2020 1 LW 97.

8. In view of the settled Law, this Court is not inclined to interfere with the proceedings of the first respondent dated 08.01.2020. The first respondent has merely stated in the impugned proceedings that at the end of the contract period, the employees will have to be relieved and they have to hand over the records to the persons, who are taking over under a fresh agreement. The first respondent has also made it clear that the petitioners will be entitled for all the benefits till the date they are relieved from service. This Court does not find any ground to interfere with the proceedings of the first respondent.

9. In the result, this writ petition is dismissed. The petitioners have made representation to the respondents seeking for engaging them in service. This request can always be considered by the respondents on its own merits and in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

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Major Parameswaran Memorial Building,
Srinagar Colony, Chennai-15.

+1cc to Mr.M.John Kennady, Advocate sr.3740

+1cc to Mr.R.Nalliyappan, Advocate sr.3599

WP.No.965 of 2020

bp(co)

nr 27/01/2020