

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2020

CORAM

THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.No.7781 of 2020
and
W.M.P.Nos.9198 & 9201 of 2020

R.Venkatesa Perumal,
S/o.Ramasamy,
No.1/25 A, Second Main Road,
Venkateswara Nagar,
Ramapuram, Chennai - 600 089.

Petitioner

Vs.

1.The Secretary to Government,
Tourism, Culture & Religious
Endowments Department,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Commissioner/Managing
Director,
Tamil Nadu Tourism Development
Corporation,
No.2, Wallajah Salai,
Chennai - 600 002.

3.The General Manager,
Technical & Administration,
Project Management Unit,
Asia Development Bank (IDIPT),
Tamil Nadu Tourism Development
Corporation,
No.2, Wallajah Salai,
Chennai 600 002.

4.The General Manager,
M/s.KITCO Ltd.,
Having Office at
Femith, P.B.No.4407, Puthiya Road,
Vennala NH By Pass,
Kochi - 682028, Kerala.

Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the 4th respondent's impugned termination e-mail dated 12.05.2020 and its supplement proceedings No.PMSC/IDIPT-TN/T4/ADB-3717-IND/2019/590 dated 15.05.2020 and quash the same as being illegal, arbitrary, unconstitutional and consequently direct the respondents to follow the due procedures of law.

For Petitioner: Mr.M.Vijay Anand

For RR1 to 3 : Mr.S.Thangavel
Special Government Pleader

For R4 : Mr.Loganathan

ORDER

The writ petitioner is challenging the e-communication dated 12.05.2020 purported to terminate his services as Team Leader in a project related work in 4th respondent company.

2. The appointment order dated 27.02.2019 clearly stipulated certain conditions that the appointment itself is for a period of two years and will be co-terminus with the completion of the project and the appointment order has also provided for termination of his services on certain contingencies by the employer viz., 4th respondent. From the entirety of the appointment order, it appears that this is not a regular employment with regular rights attached to it. A mere project arrangement is entered into between the 4th respondent and the petitioner and such appointment cannot be construed as a regular appointment or employment.

3. In any event, the learned counsel for the petitioner, despite the above position would contend that no notice was given to the petitioner while terminating his service as Team Leader. He would submit that the principles of natural justice has been violated and therefore, the impugned order is liable to be interfered with.

4. Several grounds have been raised in the writ petition assailing the so-called order of termination. This Court is unable to appreciate as to the basis of challenge to the e-communication of the 4th respondent, as first of all nothing is disclosed in the affidavit. The character of the 4th respondent, apparently a private company, even assuming that it has the attributes of the State, the arrangement between the 4th respondent and the petitioner is purely contractual of a project employment and it is not governed by any rules and regulations, but, governed only by the terms of appointment.

5. The 4th respondent for whatever reasons has chosen to revoke the terms of the project employment and the project being time bound not providing any vested rights to the petitioner, the petitioner can hardly have any right to question the invocation of the conditions of the appointment order issued by the 4th respondent.

6. The short employment of the petitioner is entirely due to the contractual arrangement and any action taken under such contract cannot be the subject matter of consideration in writ proceedings. In case, the petitioner is aggrieved by any unlawful action of the 4th respondent, such grievance fall entirely within the realm of tortious claim and cannot be the subject matter of consideration under Article 226 of the Constitution of India.

For the above said reasons, this Court finds that this writ petition is not maintainable and hence, the same is dismissed. No costs. Connected W.M.Ps. are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsd

To

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RGN(CO)
CB(21/09/2020)



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