

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.11.2020

Coram

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.8252 of 2014

Habibur Rahaman

...Petitioner

-vs -

1. Tamil Nadu Police Housing Corporation Ltd.,
(A Government of Tamil Nadu Undertaking)
Rep. by its Managing Director,
No.132, E.V.R. Salai,
Kilpauk, Chennai - 600 010.

2. The Executive Engineer,
Tamil Nadu Police Housing Corporation Limited,
Villupuram Division,
DPO Campus Master Plan Complex,
Villupuram - 605 602.

...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 of the 1st respondent in letter No.A2/3166 TNPHC/2013, dated 19-02-2014 and quash the same and consequently direct the respondent to reinstate the petitioner in the post of Computer Operator with time scale of pay and other attendant benefits.

For Petitioner : Mr.N.R.R.Arun Natarajan

For Respondents : Mr.P.Sanjai Gandhi for R2

ORDER

(This case has been heard through video conference)

The petitioner has come up with the present writ petition to quash the order dated 19.02.2014 passed by the first respondent and consequently, direct the respondents to reinstate the petitioner in the post of Computer Operator with time scale of pay and other attendant benefits.

2. It is the case of the petitioner that he was appointed as Computer Operator on NMR basis under the respondents and as such he worked for ten years with artificial breaks. Later due to excess staff, persons appointed on NMR basis were removed from service. However, similarly placed persons, who were appointed on NMR basis were regularised. Hence, he submitted a representation dated 18.12.2013 to the 1st respondent seeking regularisation. Without furnishing any reasons, the 1st respondent issued the impugned order.

Aggrieved over the same, this writ petition has been filed.

3. The learned counsel for the petitioner would submit that similarly placed persons, i.e. appointed on NMR basis were regularised but the case of the petitioner was not considered. Hence, he prays before this Court to quash the order of the 1st respondent and issue a suitable direction to the respondents.

4. The learned counsel appearing for the second respondent vehemently opposed the relief and submitted that the representation of the petitioner was considered and reasoned order was issued. Further, he would submit that NMR workers who have put in service of ten years with breaks would be regularised only after a further period of two more years and this was done by virtue of orders dated 16.4.13 and 17.5.13. However, on the crucial date, the petitioner not being in appointment on the crucial date was not considered. Further, it is the submission of the learned Special Government Pleader that no person, who had not completed additional two years of service were regularised. but in the instant case, the petitioner has served only for two years and, therefore, his case was not considered.

5. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

6. It is the stand of the petitioner from the affidavit that he has put in a service of ten years with break in service then and there, however, he ought to have been regularised. However, it is the uncontroverted submission of the respondents that in addition to the ten years, a person working as NMR should have put in additional two years of service for his name to be considered for regularisation. It is not the case of the petitioner that he has completed the additional two years period as mandated under the orders dated 16.4.13 and 17.5.13. Without completing the additional period of two years, the prayer of the petitioner for regularisation of his service cannot be acceded to as the decision taken by the respondents being a policy decision. Therefore, the prayer sought for by the petitioner deserves to be negatived.

7. For the reason aforementioned, this writ petition fails and the same is dismissed. There shall be no order as to costs.

Sd/-
Assistant Registrar(LA)

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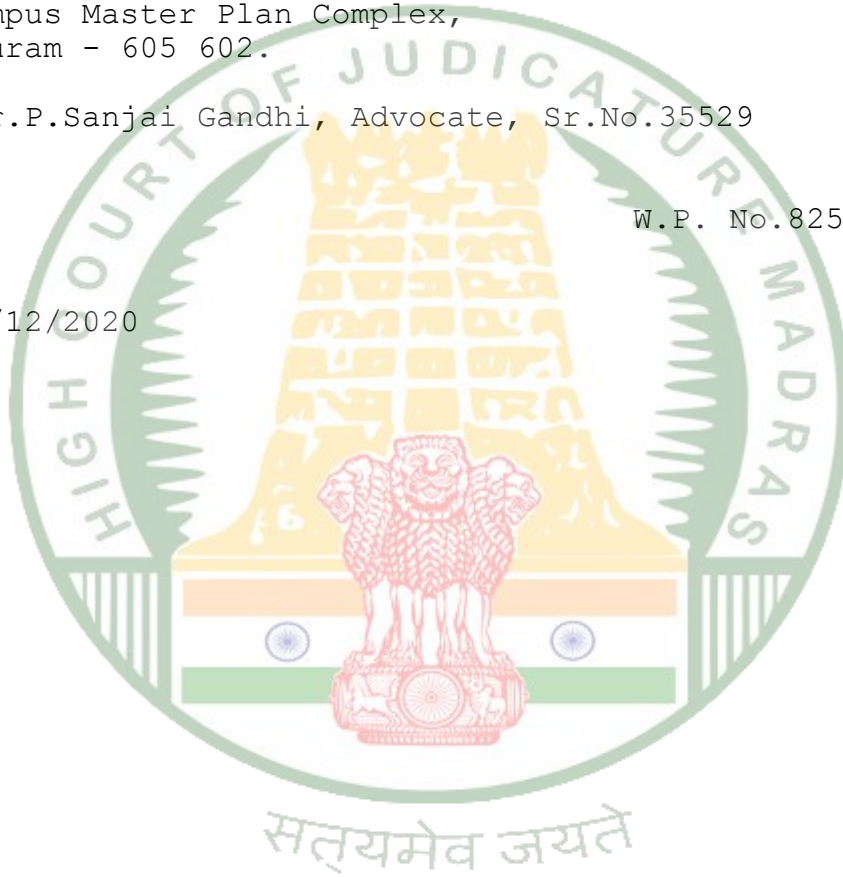
To

1. The Managing Director,
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+1cc to Mr.P.Sanjai Gandhi, Advocate, Sr.No.35529

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