



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2020

CORAM :

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

*W.P.(MD)Nos.1048, 1051, 1052, 1065, 1066, 1069, 1070, 1071, 1072, 1074 of 2020, 919 to 947 of 2020, 949, 950, 952, 954 to 958, 960, 961, 963 & 971 of 2020

and

W.M.P.(MD)Nos.2512 to 2516 to 2520,2521, 2522, 2523, 2524, 2525, 2526,2527, 2528,2529, 2531, 2532 to 2534, 2536, 2537, 2561, 2562, 2563, 2568, 2569, 2570 to 2589, 2591, 2593 of 2020, 702 to 720, 722 to 732, 736, 739, 742 to 747, 748, 749 to 754, 756, 757, 771, 772, 835, 838, 839, 855, 857, 859, 861 to 864 of 2020

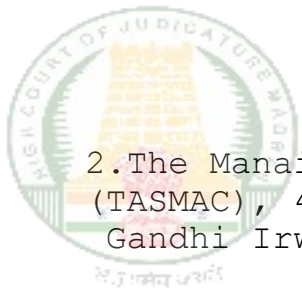
Sundararajan	... Petitioner in WP(MD). 1048 of 2020
Pandiyarajan	... Petitioner in WP(MD). 1051 of 2020
Jeyaraj	... Petitioner in WP(MD). 1052 of 2020
Sagayaraj	... Petitioner in WP(MD). 1065 of 2020
S.Mohan	... Petitioner in WP(MD). 1066 of 2020
Marthandan	... Petitioner in WP(MD). 1069 of 2020
Vincent Selvam	... Petitioner in WP(MD). 1070 of 2020
Vaithiyalingam	... Petitioner in WP(MD). 1071 of 2020
Rajmohan	... Petitioner in WP(MD). 1072 of 2020
Sethupathi	... Petitioner in WP(MD). 1074 of 2020
R.Varadharajan	... Petitioner in WP(MD). 919 of 2020
R.Murugan	... Petitioner in WP(MD). 920 of 2020
R.Jawaharlal Nehru.	... Petitioner in WP(MD). 921 of 2020
M.Thangarajan	... Petitioner in WP(MD). 922 of 2020
K.Muthukumar	... Petitioner in WP(MD). 923 of 2020
M.Pandiaraj	... Petitioner in WP(MD). 924 of 2020
K.Chandran	... Petitioner in WP(MD). 925 of 2020
V.Ganeshan	... Petitioner in WP(MD). 926 of 2020
V.Pothiraj	... Petitioner in WP(MD). 927 of 2020
S.Chinnachamy	... Petitioner in WP(MD). 928 of 2020
R.Gnana Prakasam	... Petitioner in WP(MD). 929 of 2020
K..Pandiyarajan	... Petitioner in WP(MD). 930 of 2020
S.Ramdass	... Petitioner in WP(MD). 931 of 2020



N.Murugesan ... Petitioner in WP(MD) . 932 of 2020
S.Duraisamy Pandiyan ... Petitioner in WP(MD) . 933 of 2020
P.Raja ... Petitioner in WP(MD) . 934 of 2020
D.Murugan ... Petitioner in WP(MD) . 935 of 2020
M.Murugavel ... Petitioner in WP(MD) . 936 of 2020
S.Chinnasamy ... Petitioner in WP(MD) . 937 of 2020
A.Devaraju ... Petitioner in WP(MD) . 938 of 2020
C.Nicolas, ... Petitioner in WP(MD) . 939 of 2020
K.Virumandy ... Petitioner in WP(MD) . 940 of 2020
K.Srinivasan ... Petitioner in WP(MD) . 941 of 2020
G.Rajendran ... Petitioner in WP(MD) . 942 of 2020
S.Senthilrajan ... Petitioner in WP(MD) . 943 of 2020
M.Lenin ... Petitioner in WP(MD) . 944 of 2020
B.Ganesan ... Petitioner in WP(MD) . 945 of 2020
D.Sekaran ... Petitioner in WP(MD) . 946 of 2020
J.Ramachandran ... Petitioner in WP(MD) . 947 of 2020
S.Muniyasamy ... Petitioner in WP(MD) . 949 of 2020
M.Ramesh Kumar ... Petitioner in WP(MD) . 950 of 2020
P.Prakasam ... Petitioner in WP(MD) . 952 of 2020
G.Muthukumar, ... Petitioner in WP(MD) . 954 of 2020
P.Ravindran ... Petitioner in WP(MD) . 955 of 2020
K.Nagarajan ... Petitioner in WP(MD) . 956 of 2020
S.Muthukumaran ... Petitioner in WP(MD) . 957 of 2020
A.Ravi, ... Petitioner in WP(MD) . 958 of 2020
G.Krishnamurthy ... Petitioner in WP(MD) . 960 of 2020
A.Kumaraguruparan ... Petitioner in WP(MD) . 961 of 2020
S.Saravanan ... Petitioner in WP(MD) . 963 of 2020
V.Rajendran ... Petitioner in WP(MD) . 971 of 2020

- Vs. -

1.The Secretary to Govt., Government of Tamilnadu,
Home, Prohibition and Excise (VI) Department,
Secretariat, Fort St.George, Chennai



2.The Managing Director, Tamilnadu State Marketing Corporation Ltd (TASMAC), 4th Floor, CMDA Tower II, Gandhi Irwin Bridge Road, Egmore, Chennai-008.

3.The Senior Regional Manager, Tamilnadu State Marketing Corporation Ltd (TASMAC), Office of the Senior Regional Manager, TASMAC, Trichy.

4.The General Manager, Tamilnadu Ex Service Mens Corporation (TEXCO) No.2, West Monda St, Srinagar Colony, Saidapet, Chennai.

... Respondents in WPs (MD).
1048,1051,1052,1065,1066,1069,1070,1071,1072,1074 of 2020

1. The Secretary to Govt., Government of Tamilnadu, Home, Prohibition and Excise (VI) Department, Secretariat, Fort.St.George, Chennai
2. The Managing Director Tamilnadu State Marketing Corporation Ltd (TASMAC), 4th Floor, Cmda Tower-II, Gandhi Irwin Bridge Road, Egmore, Chennai-8
- 3.The Senior Regional Manager Tamilnadu State Marketing Corporation, (TASMAC) Anna Nagar, Madurai-20
- 4.The General Manager, Tamilnadu Ex-Service Mens Corporation Ltd., (Texco) No.2, West Monda St, Srinagar Colony, Saithapet, Chennai

... Respondents in WP (MD).
919,921,922,923,924,925,926,927,928,929,930,931,
932,933,934,935,936,937,938,939,940,941,942,
943,944,945,946,947,949,950,954,958,961 of 2020.

1. The Secretary to Govt., Govt. of Tamil Nadu, Home, Prohibition and Excise (VI) Dept., Secretariat, Fort St. George, Chennai.
2. The Managing Director Tamil Nadu State Marketing Corp., Ltd., (TASMAC) 4th Floor, Cmda Tower-II, Gandhi Irwin Bridge Road, Egmore, Chennai - 600 008.
3. The Senior Regional Manager Tamil Nadu State Marketing Corp., (TASMAC) Anna Nagar, Madurai - 625 020.

4. The General Manager, Tamil Nadu Ex-Service Mens Corp., Ltd., (Texco), No.2 West Monda Street, Srinagar Colony, Saithapet, Chennai.
5. The District Manager Office of the District Manager TASMAC, Near Collector Office, Karuvelnayakanpatti, Theni District.

... Respondents in WP (MD). 920,952,
955,956,957,960,963,971 of 2020



Common Prayer in WP(MD).Nos.1048,1051,1052,1065,1066,1069,1070, 1071,1072, 1074, 919, 921, 922,923,924,925,926,927,928, 929, 930, 931, 932, 933, 934,935,936,937,938,939,940,941,942, 943,944,945,946, 947, 949,950,954,958,961 of 2020

Writ Petitions are filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents to regularise the service of the petitioners as Junior Assistant in the 2nd respondent Corporation from the date of initial appointment till retirement in the light of GO Ms.No.44 dated 12.7.2018 issued by the first respondent and consequently to pay all other monetary benefits on par with the other employees of the 2nd respondent corporation.

Prayer in WP(MD). 920,952,955,956,957,960,963,971 of 2020 :

Writ Petitions are filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Madamus Calling for the records connected with the impugned order dated 06-01-2020 passed by the 5th Respondent and quash the same as illegal consequently directing the respondents to regularize the service of the petitioners as junior assistant in the 2nd Respondent corporation from the date of initial appointment till retirement in the light of G.O.Ms. No.44 dated 12-07-2018 issued by the 1st Respondent and to pay all other monetary benefits on bar with the other employees of the 2nd Respondent corporation.

For Petitioners :Mr.S.Vinod Sathya Lazar
(in W.P.(MD)Nos.1048, 1051, 1052, 1065, 1066, 1069, 1070, 1071, 1072, 1074 of 2020)

For Petitioners : Mr.S.Malaikani,
for M/S.Veera Associates.
(in W.P.(MD)Nos.920 to 943, 945, 947, 949, 950, 954, 958, 960, 961 of 2020)

For R1 : Mr.C.M.Marichelliah Prabhu,
Additional Government Pleader
(in WP(MD).1048, 1051, 1052, 1065, 1066, 1069, 1070, 1071, 1072, 1074,920, 950, 961 of 2020)

For R2 & R3 : Mr.K.Chellapandian,
Additional Advocate General
assisted by
Mr.B.Jameel Arasu, Standing Counsel.

(in WP(MD).1048, 1051, 1052, 1065, 1066, 1069, 1070, 1071, 1072, 1074,920, 949, 950,952, 955,956, 957,960, 961, 963 & 971 of 2020)



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For R5 : Mr.K.Chellapandian,
Additional Advocate General
assisted by
Mr.B.Jameel Arasu, Standing Counsel.
(in WP(MD).920, 952, 955, 956,
957, 960, 963, 971 of 2020)

For R1 : Mr.R.Sethuraman, SGP for R1
(in W.P.(MD)Nos. 919 to 947 of 2020, 949, 952,
954 to 958, 960, 963 & 971 of 2020)

For R2 & R3 : Mr.K.Chellapandian,
Additional Advocate General
assisted by
Mr.H.Arumugam,
(in WP(MD). 921, 922, 923, 924, 926 to 943,
945, 947, 954, 958 of 2020)

For R4 : Mr.R.Vijayakumar
(in all W.Ps.)

COMMON ORDER

The case of the petitioners is that they have been serving under TASMAC for a considerable time and they are the Ex-Service Man, who have been engaged by the Tamil Nadu Ex-Service Men's Corporation Ltd, which has entered into an agreement with TASMAC for engaging members of TESCO on contract basis.

2.As such, the very foundation of the case of the petitioners that they are the employees of TASMAC is false. When the petitioners herein are not the direct employees of TASMAC, they cannot claim any right of regularization or any other right touching upon their services.

3.Incidentally, similarly placed persons, like the petitioners, had filed writ petitions before the Principal Bench on an identical grievance and the Principal Bench had dismissed the writ petition, vide order dated 20.01.2020, made in W.P.(MD)No.965 of 2020, on the ground that the appointment of these persons was pursuant to an agreement entered between TESCO and TASMAC wherein their service period is determined and nature of their employment is purely contractual.

4.The Principal Bench had also placed reliance on the decision of 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** for the purpose that the employment under contract basis cannot



be subjected to Judicial review and the said decision has been followed by a Division Bench of this Court, in the case of **The Manager (Administration and Personnel) Vs. Dr.Kaushik Ghosh** reported in **2020 1 LW 97**.

5. In the light of the observations made in the order and also since the Principal Bench has rejected the claim of the identical placed persons, this Court cannot and does not intend to take any contrary view. Accordingly, these writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

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Sub Assistant Registrar(CS)

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To

1. The Secretary to Government,
Government of Tamil Nadu,
Home, Prohibition and Excise (VI) Department,
Secretariat, Fort.St.George, Chennai.
2. The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.(TASMAC),
4th Floor, CMDA Tower-II,
Gandhi Irwin Bridge Road,
Egmore, Chennai-600 008.
3. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation,
(TASMAC), Anna Nagar,
Madurai 625 020.
4. The General Manager, Tamilnadu Ex Service Mens Corporation
(TEXCO) No.2, West Monda St, Srinagar Colony,
Saidapet, Chennai.
5. The District Manager, Office of the District Manager TASMAC, Near
Collector Office, Karuvelnayakanpatti, Theni District.
6. The Senior Regional Manager,
Tamilnadu State Marketing Corporation Ltd (TASMAC),
Office of the Senior Regional Manager, TASMAC, Trichy.



+2 CC TO M/S.VEERA ASSOCIATES IN SR.NO.6523,6525/2020

+4 CC TO M/S. B.JAMEEL ARASU IN CC SR.NO.6650/2020

WEB COPY
+1 CC TO MR.H.ARUMUGAM IN CC SR.NO.6666/2020

+1 CC TO MR.R.VIJAYAKUMAR IN CC SR NO. 6708/2020

+1 CC TO MR.S.VINOD SATHYA LAZAR, IN CC SR NO. 6974/2020

+1 CC TO SPL.GP IN CC SRNO. 6757/2020

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1074 of 2020, 919 to 947 of 2020, 949, 950, 952, 954 to 958, 960,
961, 963 & 971 of 2020
14.02.2020

AL(CO)

TR(24.02.2020) 7P 17C