

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.Nos.5519 & 5572 of 2021
and
WMP Nos.6136 & 6195 of 2021

S.Prakasam ... Petitioner in W.P.No.5519 of 2021
A.Selvarasu ... Petitioner in W.P.No.5572 of 2021

-vs-

1. State of Tamil Nadu,
Rep. By the General Manager (Admn.)
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Street,
Kilpauk, Chennai - 600 010.
2. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Villupuram - 605 602. ... Respondents in both W.Ps

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to appoint/reinstate the petitioners as Watchman (Seasonal) with all attendant benefits at par with his juniors.

For Petitioner in both W.Ps : Mr.R.Malaichamy
For Respondents in both W.Ps : Mr.L.P.Shanmugasundaram,
Special Government Pleader

COMMON ORDER

This Writ petitions are filed, seeking a direction to the respondents to appoint/reinstate the petitioners as Watchman (Seasonal) with all attendant benefits at par with his juniors.

2.Mr.L.P.Shanmugasundaram, Special Government Pleader takes notice for the respondents. By consent, this Writ Petitions are taken up for final disposal at the admission stage.

3. It is the case of the petitioners that originally the petitioners were appointed as Watchman (Seasonal) for the year 2010 - 2011 by the 2nd respondent on monthly payment of Rs.2,051/- with D.A. Of Rs.839/-. Thereafter, they have been ousted and reinstated in the same post till 31.07.2019 and again they have been ousted from service by a common order dated 01.08.2019. The grievance of the petitioners is that while

their juniors were absorbed / appointed in the same post on regular basis, the petitioners were not reinstated in service even after submitting several representations. Hence, the petitioners have filed the present Writ Petition seeking aforesaid relief.

4. According to the petitioners, they are seasonal employees and they have been appointed for the purpose of procurement of paddy during season and thereafter they have not been provided with any work.

5. Admittedly, the petitioners were appointed on temporary basis as seasonal employees and, hence, they have no right to seek any regularization and permanent status under Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981. However, this Court makes it very clear that as and when the candidates who are similarly placed like the petitioners, are considered for regularization, the case of the petitioners shall also be considered and the petitioners have no right to demand their services to be regularized. Hence, I am not inclined to grant such relief as prayed for by the petitioners.

6. The Writ Petitions are dismissed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

vum

To

1. The General Manager (Admn.)
Tamil Nadu Civil Supplies Corporation,
State of Tamil Nadu,
No.12, Thambusamy Street,
Kilpauk, Chennai - 600 010.

2. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Villupuram - 605 602.

+1cc to Mr.R.Malaichamy, Advocate, S.R.No. 14628, 14629

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PCH(CO)
GN(08/04/2021)