



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 09.03.2021
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.28283 of 2015
And
M.P.No.1 of 2015

A.R.Kumaar

... Petitioner

Vs.

- 1.Union of India
Rep. by its Chief Secretary to Government,
Government of Puducherry,
Puducherry.
- 2.The Secretary to Government,
Industries and Commerce Department,
Chief Secretariat,
Puducherry.
- 3.Pondicherry Khadi & Village Industries Board,
Rep. by Chief Executive Officer,
Plot No.1 & 2, Kamaraj Salai,
New Saram,
Pondicherry - 605 013.
- 4.The Chairman,
Pondicherry Khadi & Village Industries Board,
Plot No.1 & 2, Kamaraj Salai,
New Saram,
Pondicherry - 605 013.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from appointing any employees directly in the Pondicherry Khadi and Village Industries Board, Puducherry.

For Petitioner	: Mr.M.Gnanasekar
For Respondents	: Mr.Stalin Abimanyu for R1 and R2 Mr.T.P.Manoharan for R3



O R D E R

Heard both sides and perused the materials placed before this Court.

2.The petitioner has filed this writ petition seeking to forbear the respondents from appointing any employees directly in the Pondicherry Khadi and Village Industries Board, Puducherry.

3.The learned counsel appearing for the petitioner submitted that there are large scale backdoor appointments in the Pondicherry Khadi and Village Industries Board engaging nearly 80 persons on adhoc basis in various categories, however, the appointments could not be set aside since the adhoc appointees were allowed to continue for a long time. The Government of Pondicherry had issued instructions to all the Government employers and also other Governmental bodies imposing ban on recruitment of daily rated/ adhoc basis employees from 1999.

4.The learned counsel appearing for the petitioner further submitted that the fourth respondent has now approached the respondents 1 and 2 seeking permission to engage labour directly. The learned counsel further submitted that unless the respondents are prevented from making backdoor appointments, the Pondicherry Khadi and Village Industries Board will suffer monetarily and the same will cause irreparable loss and sufferings. Hence, the petitioner has filed this writ petition.

5.In reply, Mr.Stalin Abimanyu, the learned counsel appearing for the respondents 1 and 2 submitted that no such appointments have been made directly the and further submitted that the petitioner has not even applied to any post in the Pondicherry Khadi and Village Industries Board and hence, he is not the aggrieved person.

6.It is clear from the submission made on the side of the respondents that no appointment as pointed out by the petitioner, has been made directly. Further, it is settled law that the recruitment shall be made only as per the existing Rules applicable and after following due procedure as prescribed under the law. Hence, no mandamus can be issued to the respondents at the instance of the petitioner.

7. In such view of the matter, this writ petition sans merits and is accordingly dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar



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To

1.The Chief Secretary to Government,
Government of Puducherry,
Puducherry.

2.The Secretary to Government,
Industries and Commerce Department,
Chief Secretariat,
Puducherry.

3.The Chief Executive Officer,
Pondicherry Khadi & Village Industries Board,
Plot No.1 & 2, Kamaraj Salai,
New Saram,
Pondicherry - 605 013.

4.The Chairman,
Pondicherry Khadi & Village Industries Board,
Plot No.1 & 2, Kamaraj Salai,
New Saram,
Pondicherry - 605 013.

+1cc to Mr.M.Gnanasekar, Advocate SR.No. 15510

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And

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PVS (CO)

A.SK(07.07.2021)