



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MS.JUSTICE R.N.MANJULA

W.A.No.2555 of 2018
and
C.M.P.No.20592 of 2018

1.Tamil Nadu Thozil Nutpa
Kalappaniyalar Sangam,
(Regd No.187/TVR2004),
No.4/30,D-II Street,
Ma.Po.Si.Nagar, Thiruvallur District,
Rep. by its General District Secretary,
Thiru C.Ramakrishnan

2.M.Natarajan

.. Appellants/Petitioners

Vs

1.The Executive Engineer,
Krishna Water Supply Projects
(KWSP) Division No.1
Public Works Department, W.R.O.,
Chepauk, Chennai - 600 005.

2.The Executive Engineer,
Krishna Water Supply Projects
(KWSP) Division No.1
Public Works Department, W.R.O.,
Chepauk, Chennai - 600 005.

3.The Superintending Engineer,
Palar Project,
Public Works Department, W.R.O.,
Chepauk,
Chennai - 600 005.

.. Respondents/Respondents

Appeal filed under Clause 15 of Letters Patent against the order dated 11.10.2017 made in W.P.No.26599 of 2012.

Prayer in WP.No. 26599 of 2012: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relevant to the order in Letter No.NA1/Division 1174/2010 dated 25.01.2012



passed by the first respondent quash the same as illegal, improper, arbitrary, against the rule of law and principles of natural justice and thereby direct the respondents to appoint the petitioner's member as NMR employees in the existing or future vacancies of the respondents department.

For Appellants : Mr.P.Ganesan
For Respondents : No appearance

JUDGMENT
(Delivered by M.M.SUNDRESH, J.)

This appeal has been preferred against the order of the learned Single Judge, who while confirming the order impugned, dismissed the writ petition on the ground that the Scheme having been completed and in the absence of right vested, the relief sought for cannot be granted.

2. Learned counsel appearing for the appellants submitted that though they are appointed as Non Muster Roll employees, they should have been continued with the employment on consolidated pay. Reliance has been made on Government Order (Standing) No.26 dated 01.03.2012 issued by the High Ways and Minor Harbors (H.M.2) Department.

3. We do not find any reason to interfere with the order of the learned Single Judge. The Government Order relied upon was in compliance of the order passed by this Court and, therefore, even the said order shall not be quoted as a precedent. As per the law governing the field in Uma Devi's case, the employment made by way of back door entry on a casual temporary basis can never create an interest in favour of such appointee. Admittedly, the members of the first appellant's association have not completed ten years on the date of the aforesaid judgment of the Constitution Bench. Thus, as rightly held by the learned Single Judge, there is no right vested with them.

4. In such view of the matter, we do not find any error in the order passed by the learned Single Judge warranting interference and the writ appeal stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed. However, we make it clear that the continuation of employment on temporary basis as NMRS will not be a bar if such a necessity exists notwithstanding the order passed by us.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar



mmi/ssm

To

WEB COPY

- 1.The Executive Engineer,
Krishna Water Supply Projects
(KWSP) Division No.1
Public Works Department, W.R.O.,
Chepauk, Chennai - 600 005.
- 2.The Executive Engineer,
Krishna Water Supply Projects
(KWSP) Division No.1
Public Works Department, W.R.O.,
Chepauk, Chennai - 600 005.
- 3.The Superintending Engineer,
Palar Project,
Public Works Department, W.R.O.,
Chepauk, Chennai - 600 005.

W.A.No.2555 of 2018

SSD(CO)
GN(22/07/2021)