



WEB COPY

W.P.(MD) No.6025 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P. (MD) No.6025 of 2021

and

W.M.P (MD) No.4712 of 2021

A.Malairaj

... Petitioner

Vs

1.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Plot No.100, Anna Nagar,
Madurai.

2.The District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Pazhamalai Nagar,
Thondi Road,
Sivagangai,
Sivagangai District.

3.The Supervisor,
Shop No.7621,
Tamil Nadu State Marketing Corporation (TASMAC),
Nedodai,
Puliyadithammam,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 to 3 permit the petitioner to discharge his duty as "Assistant Sales Man in Shop No.7621 Nedodai, Puliyadithammam, Sivagangai District till completion of 59 years as per G.O(Ms) No.51, Personal and Administrative (S) Department, dated 07.05.2020 and confer all monetary benefits to the petitioner.

For Petitioner : Mr.S.Bharathy Kannan

For Respondents : Mr.H.Arumugam
Standing Counsel



ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.The petitioner herein, who was provisionally engaged as a Bar Attendar on temporary basis and on consolidated pay, placing reliance on G.O.(MS) No.51, Personal and Administrative Reforms (S) Department, dated 07.05.2020, seeks for service upto the age of 59 years. Since the petitioner has crossed the age of 58 years, the respondents claimed to relieve him at the age of 58 years. The said G.O.(MS) No.51, would not be applicable to the contract/temporary employee, which proposition has already been considered and held in favour of the respondent corporation in case of **Viswanathan and others Vs The Chief Secretary to Government, State of Tamil Nadu and others** passed in W.P(MD) No.7657 and 7681 of 2020, dated 28.08.2020. Since there are no material to show that the petitioner herein was a permanent employee of the Corporation, the benefit of G.O.Ms.No.51 may not be applicable to the petitioner herein and as such, the action on the part of the respondents in refusing to continue the petitioner's service after the age of 58 years, cannot be found fault with.

3.Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

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/ /2021

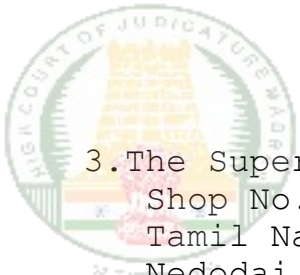
Sub Assistant Registrar(CS)

NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Plot No.100, Anna Nagar,
Madurai.
- 2.The District Manager,
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3.The Supervisor,
Shop No.7621,
Tamil Nadu State Marketing Corporation (TASMAC),
Nedodai,
Puliyadithammam,
Sivagangai District.

+1 CC to M/s.S.BHARATHY KANNAN, Advocate (SR-12637[F]
dated 22/03/2021)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-12858[F] dated
22/03/2021)

Order made in
W.P. (MD) No.6025 of 2021
18.03.2021

RK (24.04.2021) 3P 6C