



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.A(MD)Nos.1657 and 1658 of 2021

and

C.M.P(MD)Nos.7190 and 7192 of 2021

W.A(MD)No.1657 of 2021:

A.Muthu

.. Appellant

Vs

1.The Commissioner,
Department of Social Defense,
No.300, Purasawalkam High Road,
Kellys, Chennai - 600 010.

2.The Joint Director,
Department of Social Defense,
No.300, Purasawalkam High Road,
Kellys, Chennai - 600 010.

3.The District Collector,
District Child Protection Society,
District Collectorate Campus,
Sivagangai District.

4.The District Child Protection Officer,
District Child Protection Unit,
3/1-1, Periyar Nagar, 1st Street,
Sivagangai District.

5.Dhanasekara Pandian,
Joint Director,
Department of Social Defense,
No.300, Purasawalkam High Road,
Kellys, Chennai - 600 010.

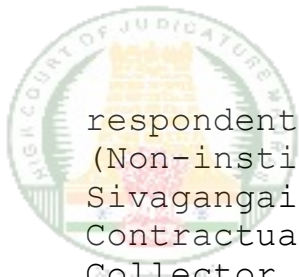
.. Respondents

PRAYER: Writ appeal filed under Clause 15 of the Letters Patent against the order dated 06.08.2021 passed in W.P(MD)No.7239 of 2021.

Prayer in WP(MD) . 7239/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ, order or direction in the nature of a Writ of Mandamus directing the 3rd and 4th

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respondents to extend the petitioner service as Protection Officer (Non-institutional care) in the District Child Protection Unit, Sivagangai District for the year 2021-2022 by executing a Contractual Service Agreement with 3rd respondent District Collector on par with other similarly placed persons in the Unit.

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For Appellant : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers
For Respondents : Mr.P.Thilak Kumar
Government Pleader for R.1 to R.4

W.A(MD)No.1658 of 2021:

A.Daisy .. Appellant
Vs

1.The Commissioner,
Department of Social Defense,
No.300, Purasawalkam High Road,
Kellys, Chennai - 600 010.

2.The Joint Director,
Department of Social Defense,
No.300, Purasawalkam High Road,
Kellys, Chennai - 600 010.

3.The District Collector,
District Child Protection Society,
District Collectorate Campus,
Sivagangai District.

4.The District Child Protection Officer,
District Child Protection Unit,
3/1-1, Periyar Nagar, 1st Street,
Sivagangai District.

.. Respondents

PRAYER: Writ appeal filed under Clause 15 of the Letters Patent against the order dated 06.08.2021 passed in W.P(MD)No.7236 of 2021.

Prayer in WP(MD). 7236/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ, order or direction in the nature of a Writ of Mandamus directing the 3rd and 4th respondents to extend my service as Counsellor in the District Child Protection Unit, Sivagangai District for the year 2021-2022 by executing a Contractual Service Agreement with 3rd respondent District Collector on par with other similarly placed persons in the Unit.



For Appellant : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers
For Respondents : Mr.P.Thilak Kumar
Government Pleader for R.1 to R.4

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COMMON JUDGMENT

[Judgment of the Court was delivered by The Hon'ble CHIEF JUSTICE]

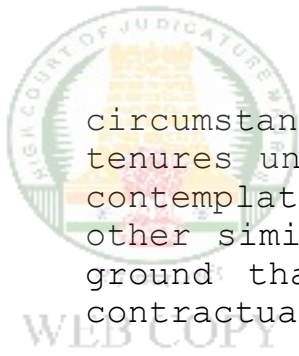
There is no merit in either appeal as the tenure of the appellants, as contractual employees, were terminated upon the conclusion of the tenure.

2.The appellants suggest that despite the tenure of other similarly placed persons having been extended, the tenure of the two appellants had not been extended on extraneous considerations. The appellants suggest that some element of stigma attaches to the appellants and, in such a scenario, the appellants ought to have been given an opportunity of presenting their cases and heard before the appellants' tenures were terminated.

3.There is little right that a person engaged on contractual basis enjoys for the extension of the tenure beyond the period of the contract. Indeed, even before the tenure is ended, the contract may be terminated at the will of the employer without the contractual employee having any say in the matter. However, an exception has been carved out in recent times, to the effect that if the services are terminated before the tenure expires by efflux of time on the ground of any perceived misconduct on the part of the employee, due notice should be given to the employee and the concerned employee heard.

4. It is possible that several persons are required to discharge similar duties for a period of time and, after the completion of the initial period of tenure or even the extended period of the tenure, there is need only for a limited number of persons instead of the entire complement of contractual employees. In such of scenario, it is open to the employer to choose which of the persons to retain and which of the persons to let go and the employees may not have any right in such regard. As long as no stigma is attached to the conduct of any contractual employee, the contractual employee cannot complain of the failure to extend the tenure.

5. In the present case, some of the persons originally engaged as contractual employees have been continued and others have not. For persons like the present appellants herein whose tenures have not been renewed, there is no allegation made against them, whether on account of misconduct or any other aspect. In such



circumstances, when no stigma attaches to the appellants and their tenures under the contract had been determined upon expiry of the contemplated period, the fact that the tenures of the certain other similarly placed persons may have been extended cannot be a ground that can be urged by the appellants to get back their contractual engagements.

6. The judgments and orders impugned have dealt with the matter in the appropriate perspective and do not call for any interference. W.A(MD).Nos.1657 and 1658 of 2021 are dismissed. C.M.P(MD)Nos.7190 and 7192 of 2021 are closed. There will be no orders to costs.

Sd/-

Assistant Registrar (CS I)

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/ /2021

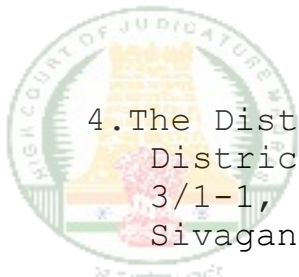
Sub Assistant Registrar (CS)

PM/PJL

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 Commissioner,
Department of Social Defense,
No.300, Purasawalkam High Road,
Kellys, Chennai - 600 010.
- 2.The Joint Director,
Department of Social Defense,
No.300, Purasawalkam High Road,
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- 3.The District Collector,
District Child Protection Society,
District Collectorate Campus,
Sivagangai District.



4.The District Child Protection Officer,
District Child Protection Unit,
3/1-1, Periyar Nagar, 1st Street,
Sivagangai District.

+2 CC to M/s.ISAAC CHAMBERS, Advocate (SR-30520 & 30521 [F] dated
28/09/2021)

**W.A(MD)Nos.1657 and 1658 of 2021
and
C.M.P (MD)Nos.7190 and 7192 of 2021
27.09.2021**

SRR(CO)
SB(05.10.2021) 5P 7C