



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

WEB COPY

Writ Petition (MD)No.15851 of 2016

M.S.Venus

... Petitioner

Vs.

- 1.The Government of Tamil Nadu
represented by its Principal Secretary to the Government,
Animal Husbandry, Dairying and Fisheries Department,
Fort St. George,
Chennai 600 009.
 - 2.The Commissioner of Fisheries,
Chennai - 6.
 - 3.The Superintending Engineer,
Department of Fisheries,
Thoothukudi.
 - 4.The Executive Engineer,
T.P.D.I.U.Department of Fisheries,
Thoothukudi.
- ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to regularise the service of the petitioner in the post of Technical Assistant in the Department of Fisheries with all attendant and consequential monetary and service benefits.

For Petitioner : Mr.M.Vivekanandan
For Respondents : Mr.M.Muthugeethayan
Special Government Pleader

O R D E R

This writ petition has been filed for a direction to the respondents to regularise the service of the petitioner in the post of Technical Assistant in the Department of Fisheries with all attendant, monetary and service benefits.

2. The case of the petitioner is that the petitioner has passed Diploma in Civil Engineering in First Class in the examination conducted by the State Board of Technical Education and Training in April 1989. Before that, the petitioner has also passed S.S.L.C. and Higher Secondary Examination and she belongs to Backward Class. The petitioner has registered her credentials in the District Employment

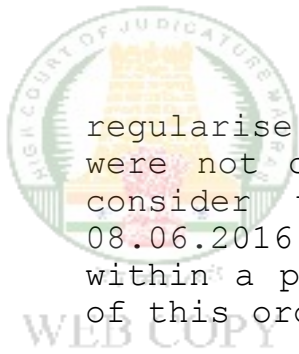


Exchange at Thoothukudi. The Fisheries Department requested the Employment Exchange to sponsor names for the post of Technical Assistants. The District Employment Officer, Thoothukudi, vide letter dated 09.09.2007, sponsored the name of the petitioner along with other candidates to the Fisheries Department. Further, the petitioner participated in the interview conducted on 19.09.2007. Pursuant to the interview, on 12.06.2008, the petitioner was appointed as Technical Assistant in the Fisheries Department on temporary basis. Thereafter, the petitioner joined duty in the said post under the Executive Engineer, T.P.D.I.U., Department of Fisheries, Nagapattinam, on 25.06.2008. Thereafter, she was transferred to different places on several occasions and she had worked in different offices of the Department of Fisheries. While so, the petitioner has made a representation to the respondents on 06.03.2015, requesting them to regularise her service. The first respondent has issued G.O.(Ms.).No.170, dated 25.08.2014, sanctioning several permanent posts to the Engineering Wing of the Fisheries Department and had also framed new Rules. Again, the petitioner made another representation to the authorities requesting regularisation of service, on 08.06.2016. However, till date no order was passed. Hence, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that though the petitioner was appointed, after conducting interview in the sanctioned post, she has been continuously working as temporary employee for the past eight years. Hence, this Court may issue a direction to the respondents to regularise the petitioner's service, by considering her representation, dated 08.06.2016.

4. The learned Special Government Pleader appearing for the respondents would submit that the petitioner was appointed as Technical Assistant on contract basis. The recruitment of the petitioner was made through Employment Exchange and she joined duty in the post of Technical Assistant under the Executive Engineer, T.P.D.I.U., Department of Fisheries, Nagapattinam, on 25.06.2008. Though the petitioner was transferred to various places, Tsunami Project Implementation Scheme was completed in the year 2016. Therefore, on 01.10.2016, all the contract staffs were terminated from service, since the work was completed. As per the terms and conditions laid down in the appointment order of the petitioner, she cannot claim any right for extension. Hence, the petitioner is not entitled for regularisation.

5. The facts in the present case are not in dispute. Admittedly, the petitioner entered into service as temporary employee, in the year 2008 and she was terminated from service in the year 01.10.2016. However, the petitioner claims that while she was in service, she made a representation to the respondents 06.03.2015 and subsequently, on 08.06.2016, requesting them to



regularise her service. However, till date the said representations were not considered. Hence, this Court directs the respondents to consider the petitioner's representations dated 06.03.2015 and 08.06.2016 respectively, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv

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 Principal Secretary to the Government,
Government of Tamil Nadu,
Animal Husbandry, Dairying and Fisheries Department,
Fort St. George, Chennai 600 009.
- 2.The Commissioner of Fisheries, Chennai - 6.
- 3.The Superintending Engineer,
Department of Fisheries, Thoothukudi.
- 4.The Executive Engineer,
T.P.D.I.U.Department of Fisheries,
Thoothukudi.

+1 CC to M/s.SPL GP (SR-9467[F] dated 08/03/2021)

Writ Petition (MD)No.15851 of 2016
04.03.2021

SRK(CO)

TR(23.06.2021) 3P 6C