



W.P.No.17440 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.17440 of 2016

1.K.Adiveeraragavan

2.A.Subburayan

3.Perumal

4.V.Patchaiyappan

5.K.Janarthanan

6.S.Murugayan

7.T.Marimuthu

... Petitioners

Vs.

1.The Commissioner,
Pondicherry Municipality, Puducherry.

2.The Director, Local Administration
Department, Puducherry.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to re-engage the petitioners as Daily Rated Helper / Mazdoors in the Pondicherry Municipality / Panchayat.



W.P.No.17440 of 2016

For Petitioners : Mr.V.Ajayakumar
For Respondents : Mr.R.Syed Mustafa
Special Government Pleader
[Pondicherry]

ORDER

The relief sought for in the present writ petition is to direct the respondents to re-engage the petitioners as Daily Rated Helper / Mazdoors in the Pondicherry Municipality / Panchayat.

2. The petitioners were engaged as daily rated employees for 30 days for the purpose collection of tax in the respondent / Municipality. On completion of 30 days the petitioners were ousted from service in December 2008. Thereafter, the writ petitioners were not engaged.

3. The writ petition is filed in the year 2016 after a lapse of about 8 years from the discharge of the petitioners from daily rated employees and therefore, the relief as such sought for in the present writ petition cannot be granted on the ground of laches.



W.P.No.17440 of 2016

4. That apart, the daily rated employees cannot claim re-engagement as a matter of right. Re-engagement is a discretion of the authorities competent and to be made on need basis, if any work is to be performed on emergency basis.

5. In the present case, the petitioners have served as daily rated employees for 30 days and therefore, they have no right to claim reinstatement or re-engagement as a matter of right and thus, the relief as such sought deserves no merit consideration.

6. Accordingly, the Writ Petition stands dismissed. No costs.

09.11.2022

Jeni
Index : Yes
Speaking order

To

1.The Commissioner,
Pondicherry Municipality, Puducherry.

2.The Director, Local Administration
Department, Puducherry.



WEB COPY



W.P.No.17440 of 2016

S.M.SUBRAMANIAM, J.

Jeni

W.P.No.17440 of 2016

09.11.2022