



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 1.2.2022

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THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.21011 of 2014

and M.P.No.2 of 2014 and W.M.P.No.35699 of 2016

1 R.Rangaswamy
S/o.Rajappa Naidu,
Vennampalli Village, Mallinayanapalli Post,
Krishnagiri Taluk and District-635120. ...Petitioner

Vs.

- 1 The Joint Registrar of Co-operative Societies, Krishnagiri Zone
Co-operative Colony, Krishnagiri.
- 2 The Deputy Registrar of Co-operative Societies, Krishnagiri Circle,
K.P.K. Complex, Co-operative Colony,
Krishnagiri.
- 3 The General Manager
Tamil Nadu Ex-Servicemen Corporation Ltd.
No.2 West Mada Street Srinagar Colony
Saidapet, Chennai-15.
- 4 The Assistant Manager
Tamil Nadu Ex-Servicemen Corporation Ltd.
District Panchayat Office Campus Opp.
Karpagam Super Market, Anna Salai, Vellore-1.
- 5 K.Perumal
S/o.Kariyan, Thambirankottai Village
Sundaekuppam Krishnagiri Taluk and District. ..Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari Mandamus, To call for the records relating to the impugned orders dated 28.07.2014 passed by the 3rd respondent in letter No. TEXCO/301/Recruitment/Posting Order and 30.07.2014 passed by the 2nd respondent in his proceedings Na.Ka.No. 1418/2012/Pa.Tho and to quash the same and consequently direct the respondents 1 and 2 to reinstate the petitioner in service with all service and monetary benefits.



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For Petitioner : Mr.M.Nandakumar
For Respondents 1&2 : Mr.S.Arumugam
For Respondent 3 : Mr.R.Vigneshwaran
For Respondents-4 &5 : Notice Not ready

ORDER

According to the petitioner, writ petitioner was appointed as Driver in the respondent department on contractual basis and an agreement was entered into between the petitioner and the respondent department in the year 2010 and the said agreement was extended till 2014. As per the agreement, if any termination of service, either of the parties concerned shall cause one month notice or payment of one month contractual due for termination of the said agreement. According to the petitioner, the aforesaid agreement was expired in September, 2014 and the respondent passed the impugned order on 30.7.2014 by terminating the service of the petitioner. Therefore, the petitioner has preferred the present writ petition before this Court.

2. The learned counsel appearing for the petitioner has fairly submitted before this Court that the petitioner has not claim any right for regularization of service as Driver. Despite the petitioner's name recommended for regularization of service and the petitioner is now out of employment from 2014 to till date. If the petitioner is given an opportunity to appoint as Driver on the contractual basis, he could work for minimum period of service in the department. There is no adverse remarks against the petitioner. Petitioner's request for accommodating him as Driver in the said department may be considered by the respondent. To that extent, the counsel for the petitioner seeks direction to the respondent.

3. Counter affidavit has been filed by the second respondent wherein it is stated that the petitioner was appointed as a Jeep Driver on contractual basis in accordance with an agreement made between the petitioner and the said agreement expired. Therefore, the petitioner cannot have any legal right to approach this Court to interfere with the impugned order passed by the respondent. Further, in response to the claim made by the petitioner, the counsel for the respondents 1 and 2 submitted that it is for the petitioner to approach the authority concerned and such request will be considered by the authority concerned.



4. Considering the facts and circumstances of the case, as the agreement entered into between the petitioner and the respondents was expired and therefore, the petitioner cannot have any legal right to continue in service in the department. However, there is no legal impediment for the respondents to consider the request of the petitioner for appointing him as Driver on contractual basis for another few more years. Therefore, this Court is inclined to pass the following order:

The petitioner shall make a request to the second respondent within a period of two weeks from the date of receipt of copy of order. On such representation being made, the second respondent is directed to consider and pass appropriate orders within a period of 12 weeks from the date of receipt of copy of the order, if any vacancy available in contractual employment in the department.

5. The writ petition is disposed of with the above directions. No cost. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Joint Registrar of Co-operative Societies,
Krishnagiri Zone, Co-operative Colony, Krishnagiri.
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Krishnagiri Circle,
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- 3 The General Manager
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Chennai-15.
- 4 The Assistant Manager
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District Panchayat Office Campus
Opp. Karpagam Super Market,
Anna Salai, Vellore-1.

+1cc to the Government Pleader, S.R.No.6484

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M.P.No.2 of 2014 and
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SPD (CO)
SB (11/02/2022)