



WEB COPY



W.P.Nos.18889, 18875 & 18876 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.18889, 18875 & 18876 of 2017

and

W.M.P.Nos.20392, 20393, 20394 & 20395 of 2017

R.Senthil Murugan	... Petitioner in W.P.No.18889 of 2017
C.Prakash	... Petitioner in W.P.No.18875 of 2017
Kumarappan	... Petitioner in W.P.No.18876 of 2017

-Vs-

1. The Director
Employment of Training,
Guindy, Chennai-600 032
 2. Deputy Director/Principal
Government Industrial Training Centre (Men)
Semmandalam, Cuddalore.
- ... Respondents in all the Writ Petitions

Common Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, quashing the Proceedings No. Se.Mu.Aa. No.5810/Ni2/2015 date 31.05.2017 passed by the 2nd respondent and thereby direct the respondents to reinstate the petitioner as Watchman with all benefits in the respondents institution.



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For Petitioners
in all the Writ Petitions : Mr.A.R.Nixon

For Respondents
in all the Writ Petitions : Mr.S.Rajesh
Government Advocate

COMMON ORDER

The order discharging the writ petitioners from service on expiry of the contract period in the proceeding dated 31.05.2017, is under challenge in the present writ petitions.

2. The petitioners herein were appointed as Watchman on contract basis for a period of one year by the second respondent.

3. The learned Government Advocate appearing on behalf of the respondents brought to the notice of this Court that the writ petitioners were appointed as Watchman only through outsourcing agency on contract basis, for a period of one year. Therefore, the writ petitioners were not appointed in accordance with the recruitment rules in force.



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4. When the petitioners were appointed through a private outsourcing agency on contract basis, more so for a period of one year, on expiry of the period of the contract, the petitioners were discharged from service as per the terms and conditions stipulated in the contract. This being the factum, the petitioners cannot claim appointment as a matter of right or they cannot seek any permanent absorption which is to be made in accordance with the service rules in force.

5. Appointments to the sanctioned posts are to be made strictly in accordance with the rules in force. Equal opportunity in public employment is the constitutional mandate. Thus, the contract employees, appointed through a private outsourcing agency for a period of one year cannot seek regularisation or permanent absorption in the sanctioned post and thus, this court does not find any infirmity in respect of the order, discharging the services of the writ petitioners on expiry of the period of contract.

6. If at all, any recruitment notification is issued to fill-up the regular posts, the petitioners, if otherwise eligible, are at liberty to participate in the process of selection for the purpose of securing



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permanent employment. However, their engagement as a contract employee through an outsourcing agency, for a period of one year, would not confer any right to claim regularisation or permanent absorption in a sanctioned post.

7. This being the factum, the petitioners are not entitled to the relief as such sought in the present writ petitions and accordingly, these writ petitions stand **dismissed**. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

08.11.2022

Index : Yes
Speaking order
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To

1. The Director
Employment of Training,
Guindy, Chennai-600 032
2. Deputy Director/Principal
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S.M.SUBRAMANIAM.J.,

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