



W.P.(MD) Nos.4445, 4447, 4448, 4449, 4450, 4451, 4453, 4454, 4456, 4462, 4464 & 4466 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) Nos.4445, 4447, 4448, 4449, 4450, 4451, 4453, 4454, 4456, 4462, 4464 & 4466 of 2020

and

W.M.P. (MD) Nos.3730, 3731, 3733, 3734, 3735, 3736, 3737, 3738, 3739, 3740, 3742, 3743, 3745, 3746, 3748, 3749, 3750, 3751, 3757, 3758, 3759, 3760, 3763 & 3765 of 2020

T.Suresh	... Petitioner in WP(MD)No.4445 of 2020
Ravi	... Petitioner in WP(MD)No.4447 of 2020
Ramesh	... Petitioner in WP(MD)No.4448 of 2020
Subash Sankar	... Petitioner in WP(MD)No.4449 of 2020
Tamil Balan	... Petitioner in WP(MD)No.4450 of 2020
P.Manikandan	... Petitioner in WP(MD)No.4451 of 2020
N.Murugan	... Petitioner in WP(MD)No.4453 of 2020
Manickavasagam	... Petitioner in WP(MD)No.4454 of 2020
M.Anbarasan	... Petitioner in WP(MD)No.4456 of 2020
Arockia Antony Arun	... Petitioner in WP(MD)No.4462 of 2020
Ilayaraja	... Petitioner in WP(MD)No.4464 of 2020
K.Neelakandan	... Petitioner in WP(MD)No.4466 of 2020

vs.

1.The Poompuhar Shipping Corporation Ltd.,
rep.by its present Chairman and Managing Director
692, Anna Salai
Nanthanam, Chennai-600 035

2.The Manager
The Poompuhar Shipping Corporation Ltd.,
Kanyakumari Ferry Service
rep.by its present Manager
Kanyakumari Post-629 702
Kanyakumari District

3.A.Balaji

4.I.K.Arul Kumar



5.N.Jayaraman

6.P.Sreedharan

7.T.Suresh

... Respondents in all WPs

COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records relating to impugned order dated 20.02.2020 issued by the first respondent and quash the same and direct the respondents 1 and 2 to consider the petitioner for Serang and Engine Driver training.

For Petitioner : Mr.K.Samidurai, (in all WPs)

For Respondents : Mr.S.Balasubramanian for R1 & R2
Mr.F.Deepak for R3 to R7 (in all WPs)

C O M M O N O R D E R

Since the issues involved in all these writ petitions are one and the same, they have been clubbed together, heard together and are being disposed of by this common order.

2. These writ petitions are filed questioning the validity of the order dated 20.03.2020, issued by the Chairman and Managing Director, Poompuhar Shipping Corporation Limited stating that five contract labourers have been provisionally selected for the test to obtain the certificate of Competency conducted by the Tamilnadu Maritime Board through the Port Office, Rameswaram.

3. The impugned order categorically states that to conduct the preliminary training to the selected candidates, the procedures are followed.

4. The learned counsel appearing for the contesting respondents in clear terms contended that the contesting respondents are not appointed and they have been selected to undergo a training programme and therefore, the contention of the petitioners that the contesting respondents were appointed in a sanctioned post is incorrect. When the contesting respondents themselves admitted that they were not appointed and were selected only for a particular training programme, there is no reason to consider the claim of the petitioners that the contesting respondents were appointed in the sanctioned post.



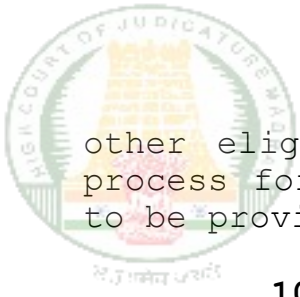
5. The learned counsel appearing for the petitioners reiterated that the petitioners are all along working as contract labourers from 2013 onwards. They are waiting for permanent absorption in a sanctioned post. However, the respondent - Corporation is attempting to appoint candidates on their choice without adhering to the Recruitment Rules in force.

6. This Court is of the considered opinion that all appointments are to be made strictly in accordance with the Recruitment Rules in force. If at all any irregular or illegal appointments are made by the respondent - Corporation, they are answerable and accountable in view of the law laid by the Honourable Constitution Bench of the Supreme Court in ***Secretary, State of Karnataka and others vs. Umadevi and others***, reported in (2006) 4 SCC 1.

7. Appointments to the sanctioned posts are to be made strictly in accordance with the Recruitment Rules in force by providing opportunity to all the eligible candidates, who all are aspiring to secure public employment. Contrarily, the respondent - Corporation cannot pick and choose the candidates and provide employment on their whims and fancies. If so, it is to be viewed seriously and disciplinary proceedings are to be initiated against them by the Government. Thus, appointments are to be regulated in accordance with the Recruitment Rules. The principles laid down by the Honourable Supreme Court in this regard are to be followed by providing equal opportunity to all the eligible candidates. Any violation in this regard, at no circumstances, be compromised as such violations are not only unconstitutional, but result in infringement of basic rights of the eligible persons, who all are aspiring to secure public employment in consonance with the Recruitment Rules in force.

8. The petitioners are working as Contract Labourers. The contesting respondents are also working as Contract Labourers. If at all they are fully qualified and eligible for regular appointment under the Recruitment Rules, they are also entitled to participate at the time of process of selection for regular appointment against the sanctioned vacancy. However, it is made clear that irregular or illegal appointments cannot be made in view of the law laid down by the Honourable Supreme Court in the above cited decision and all eligible persons must be provided with an opportunity as equal opportunity is the constitutional mandate.

9. In view of the above facts and circumstances, it is clarified that the contesting respondents were not appointed in a sanctioned post and they have been selected for undergoing a training programme and such training programmes can be arranged for



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other eligible employees also based on need basis and whenever a process for regular recruitment is undertaken, equal opportunity is to be provided to all the eligible candidates.

10. With the above clarification, the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

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Sub Assistant Registrar(CS)

krk

+1 CC to M/s.K. SAMIDURAI, Advocate (SR-19308[F] dated 19/04/2022)

+1 CC to M/s.F. DEEPAK, Advocate (SR-19553[F] dated 20/04/2022)

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ks (CO)

TR(25.04.2022) 4P 3C