



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD) .No.15571 of 2018

and

W.M.P. (MD) .No.13986 of 2018

G.Karuppaiah

... Petitioner

Vs.

1.The Principal Secretary to Government,
Home (Pol-14) Department,
Fort.St.George, Chennai.

2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai.

3.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings issued by the first respondent in G.O.Ms.No.593, (Home) (Pol.14) Department dated 25.08.2014 and quash the same and consequently directing the respondents to regularize the service of the petitioner as Temple protection force from the date of petitioner's initial appointment on 05.11.1992 and to pay all attendant and monetary benefits.

For Petitioner : Mr.C.Gangai Amaran

For Respondents : Mr.G.Suriyananth,
Additional Government Advocate.

ORDER

The petitioner has filed this Writ Petition to quash the G G.O.Ms.No.593, (Home) (Pol.14) Department dated 25.08.2014 and consequently direct the respondents to regularize the service of the petitioner as Temple Protection force from the date of initial appointment on 05.11.1992.



2. The brief facts of the case are that the petitioner joined Indian Army as Soldier on 24.05.1971 and relieved from Army Service on 23.08.1997. After discharge from the Indian Army, the petitioner was appointed as Special Police Officer for Temple Protection vide appointment order dated 30.10.1992. The petitioner joined duty as Special Police Officer and posted at Sri Meenakshi Sundareswarar Temple at Vilathikulam from 05.11.1992. The petitioner attained superannuation on 30.06.2013 and was allowed to retire. The Government sanctioned the Temple Protection Force comprising 50 Police Constables and 150 Ex-Service Man to protect the Temple jewels, icons, hundi collections etc., in Tamil Nadu by issuing G.O.Ms.No.1019 Home (Pol.H) Department dated 19.06.1992. The said post is sanctioned on temporary basis. The Government issued one more G.O.Ms.No.999 Home (Police-14) Department dated 04.07.1995 by fixing the age as 62 which is applicable to the Ex-service men who are appointed as Police in the Temple Protection Force. Earlier, the petitioner was appointed on consolidated pay of Rs.750/- and subsequently, through G.O.Ms.No.1125 Home (Pol-14) dated 13.11.2001 increased the pay to Rs.1500/- per month including Dearness allowances and uniform allowance. Thereafter, it was increased to Rs.5,000/- through G.O.Ms.No.45 Home (Pol - 14) Department dated 09.01.2012.

3. The contention of the petitioner is that he has served in the said post for more than 21 years for meager amount and consolidated pay from Rs.1500/- to Rs.5,000/-. The respondents have not regularized the petitioner's service and the petitioner submitted various representations. Thereafter, the petitioner filed W.P.(MD).No.3577 of 2014 and the same was disposed of on 27.02.2014 directing the respondents to consider and pass orders. Based on the same, the impugned order came to be passed.

4. The respondents submitted that their appointment is purely on temporary basis on consolidated payment. The petitioner cannot claim regularization as a right. While issuing appointment orders itself, it was made clear that the appointees have no right to claim their service for any purpose and they will be ousted from service at any time without giving any prior notice or assigning reasons. Hence, learned Government Advocate prayed to dismiss this Writ Petition.

5. Heard Mr.C.Gangai Amaran, learned counsel for the petitioner and Mr.G.Suriyananth, learned Additional Government Advocate for the respondents.

6. On perusing the appointment order, it is clearly stated that the appointees are Ex-service men and it is purely on temporary basis and they cannot claim any right. The relevant portion of appointment order is extracted hereunder:

<https://hcservices.ecourts.gov.in/hcservices/>



"i) This appointment of Ex-servicemen is purely on temporary basis and the appointees have no right to claim their service for any purpose and they will be ousted from service at any time without giving any prior notice or assigning reasons therefor".

WEB COPY

It is also stated in the appointment order that the consolidated salary of Rs.750/- will be paid per month and it has been increased periodically.

7. The learned counsel for the petitioner submitted that atleast their serving period can be included for pensionary benefits. The Tamil Nadu Pension Rules under Rule 11A, it has been stated that the service can be considered if the employment is a whole time employment and had time scale of pay. In the present case, since the petitioner is not paid under time scale of pay, hence their service cannot be counted for pensionary benefits. The petition is devoid of any merits and liable to be dismissed.

8. With the above observations, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Writs)

// True Copy //

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Sub Assistant Registrar(CS)

Nsr

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 Government,
Home (Pol-14) Department,
Fort.St.George,
Chennai.



2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
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WEB COPY

3.The Superintendent of Police,
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+1 CC to M/s.SPL GP (SR-13852[F] dated 23/03/2022)

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KG (CO)
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