



WEB COPY



W.P.No.15662 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.15662 of 2012

A.Kalaivanan

... Petitioner

Vs.

- 1.The Director of Fisheries,
Chennai 600 006
- 2.The Assistant Director of Fisheries,
No.1, Viswalingam Asari Lay-out,
Villupuram 605 602
- 3.The General Manager,
Tamilnadu Ex-Servicemen's Corporation Ltd.,
(TEXCO),
No.2, West Mada Street,
Srinagar Colony, Saidapet,
Chennai 600 005
- 4.The Assistant Manager,
TEXCO Ltd.,
No.12, KCR Illam,
Ramachandra Lay-out,
Poonthottam, Villupuram 605 602

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of mandamus directing the respondents to regularize the services of the petitioner as driver from 02.07.2008 in the Office of the second respondent in the said post in regular time-scale of pay with all consequential benefits.



W.P.No.15662 of 2012

WEB COPY

For Petitioner : No appearance

For Respondents

For R1 & 2 : Mr.M.Muthusamy,
Government Advocate

For R3 & 4 : No Appearance

ORDER

This writ petition has been filed for direction to the respondents to regularise the petitioner's service as Driver from 02.07.2008.

2. The petitioner was appointed as Driver on 02.07.2008 in the Office of the Assistant Director of Fisheries, Villupuram in consultation with the TEXCO on contract basis and on consolidated salary. Therefore, he made representation to regularise his service.

3. On perusal of the counter filed by the second respondent revealed that the petitioner was appointed as Driver on contract basis. The contract agreement was only for one year from 03.07.2008 to



W.P.No.15662 of 2012

WEB COPY

02.07.2009. The recruitment and appointment of Driver shall be made only by the fourth respondent. Further, as per the agreement, the wages shall be paid by the fourth respondent on the basis of the claim. As per the agreement, the post of Driver shall be terminated by either parties by giving one month notice or salary in advance. Accordingly, the contract agreement was extended till 2012. Subsequently, as per the orders passed by the Director of Fisheries, Chennai dated 02.02.2012, the post of Driver has to be filled regularly by direct recruitment. Accordingly, one person was appointed regularly as Driver by an order dated 22.10.2012 and the petitioner was relieved from the post of Driver. Therefore, the request made by the petitioner cannot be considered. As such, this writ petition is devoid of merits and liable to be dismissed.

4. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

18.08.2023

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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W.P.No.15662 of 2012

G.K.ILANTHIRAIYAN, J.

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To

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Chennai 600 005
- 4.The Assistant Manager,
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No.12, KCR Illam,
Ramachandra Lay-out,
Poonthottam, Villupuram 605 602
- 5.The Government Advoate,
High Court, Madras.

W.P.No.15662 of 2012

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