



W.P.No.34354 of 2005

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2023

CORAM:

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

W.P.No.34354 of 2005

B.Muralidhar

... Petitioner

Vs.

- 1.Union of India rep. By  
Chairman, Railway Board,  
Rail Bhavan, New Delhi
- 2.Group General Manager(P&A),  
Rites Bhavan,  
Ist Sector-29,  
Gorglon,  
New Delhi
- 3.General Manager Inspection,  
RITES,  
Southern Region,  
646, Anna Salai,  
4<sup>th</sup> Floor, Madras

... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the records pertaining to order bearing No.PERS/26/RB/1/2004 dated 17.08.2004 of the second respondent and quash the same and consequently direct the respondents to consider the petitioner for regularisation of service as Junior Assistant on par with his Junior and grant all consequential and attended benefits.



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For Petitioner : No appearance

For Respondents

For R1 : Mr.P.T.Ramkumar,  
Standing Counsel for Railways

For R2 & 3 : No appearance

### **ORDER**

This writ petition has been filed challenging the order passed by the second respondent thereby rejected the claim made by the petitioner to regularise the service of the petitioner.

2. The petitioner was initially appointed as Laisar Assistant on 14.03.1988 on commission basis till 28.02.1989. As vacancy for the post of Junior Assistant arose, the petitioner applied for the said post. Thereafter, he was selected and appointed as Junior Assistant on daily wage basis. Therefore, the petitioner made representation to regularise his employment and to bring him into regular scale of pay.



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3. Admittedly, the petitioner was working on commission basis for realisation of outstanding bills of Regional Inspection Office, Chennai and he was never engaged as an employee of the Company. Therefore, this Court find no infirmity or illegality in the order passed by the second respondent. 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.

12.09.2023

Internet: Yes  
Index: Yes/No  
Speaking/Non-speaking order  
lok



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**G.K.ILANTHIRAIYAN, J.**

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To

- 1.Chairman,  
Union of India,  
Railway Board,  
Rail Bhavan, New Delhi
- 2.Group General Manager(P&A),  
Rites Bhavan,  
Ist Sector-29,  
Gorglon,  
New Delhi
- 3.General Manager Inspection,  
RITES,  
Southern Region,  
646, Anna Salai,  
4<sup>th</sup> Floor, Madras
- 4.The Government Advocate,  
High Court, Madras.

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