



W.P.No. 29591 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2023

CORAM

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

W.P.No.29591 of 2012

B.Ramesh

... Petitioner

Vs

1. The State of Tamilnadu,
represented by the Secretary to Government,
Agriculture Department,
Fort St. George,
Chennai – 600 009.
2. The Director of Agriculture,
Chepauk,
Chennai – 600 005.
3. The Commissioner of Agriculture,
Chepauk,
Chennai – 600 005.
4. The Additional Director of Agriculture,
Semmandalam,
Cuddalore.
5. The Joint Director of Agriculture,
Semmandalam,
Cuddalore.
6. The Agriculture Chemist, Bio Fertilizer,
Production Unit,
Cuddalore – 607 001.

....Respondents



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Prayer:- Writ Petition filed under Article 226 of Constitution of India praying for the issuance of Writ of Mandamus, directing the Respondents to consider the case of the Petitioner for regularization and grant him all consequential monetary and other service benefits to which he is entitled to.

For Petitioner : Mr.M.Gnanasekar
For R1 to R5 : Mr.L.S.M. Hasan Fizal
Additional Government Pleader
For R6 : Notice Served
No appearance

ORDER

This writ petition has been filed for direction directing the respondents to consider the petitioner for the regularisation and other service benefits.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents 1 to 5 and perused the materials available on record.

3. The petitioner was initially appointed as a casual labourer on 01.07.2002 and working as a casual labourer on daily rated basis. He had completed 10 years of service. While being so, the first respondent by his letter dated 09.09.2000 directed the third respondent to engage daily rated employees on rotation basis temporarily through the Employment Exchange. Already the petitioner made representations to the respondents requesting them to absorb



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him on regular basis.

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4. A perusal of the counter affidavit filed by the 6th respondent revealed that the Bio Fertilizer Production Unit, Cuddalore is a temporary scheme and is being renewed by sending proposals for continuing this scheme to the Government every year. Since the nature of work is not regular one, the petitioner was engaged as coolies on daily wages as and when there is a need and discontinued when work was not required. Further the petitioner was not continuously working as a Casual Labour.

5. He was engaged from the following dates as per the requirement:-

Name of the Petitioner	Date of first appointment	No. of days working in year												
		1995-1996	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011
B. Ramesh	1.7.02	..	..	..	..	68	53	30	15	60	48	174	158	119

6. Therefore, the claim of the regularisation was already deferred by the Government Letter dated 07.08.2002. The work of the petitioner is purely temporary, seasonal and time bounded. Therefore, the request sought for in this writ petition cannot be granted. That apart, the work in which the petitioner is



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employed is not perennial in nature and it does not require regular employment.

Therefore, the petitioner is not entitled for regularisation of service.

7. In view of the above, this writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. No Costs.

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Internet: Yes

Index: Yes/No

Speaking/Non speaking order

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To

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G.K.ILANTHIRAIYAN. J.

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