



W.P.No.6776 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.6776 of 2023 & WMP.No.6878 of 2023

1. C.Jayakumar
2. K.Saravanan
3. Selambharasan
4. Padmanaban
5. S.Elumalai
6. R.Rajesh
7. K.Siva
8. N.Chowdri
9. R.Nagarajan
10. M.Suresh
11. C.Selvam
12. C.Arul
13. S.Prabhu
14. S.Baskar
15. S.Manikam
16. P.Santhoshkumar
17. K.Nadiya
18. R.Ramesh
19. R.Poovarasana
20. Suriyan

... Petitioners

Vs



W.P.No.6776 of 2023

1. State of Tamil Nadu
Rep. by Secretary to Government,
Ministry of Social Welfare Department,
St.George Fort, Chennai – 600 009.
2. The Principal Secretary,
Welfare for Differently Abled Person Department,
St. George Fort, Chennai – 600 009.
3. The State Commissioner – Cum – Director,
Welfare for Differently Abled Person Department,
Lady Wellington College Campus,
No.5, Kamarajar Salai, Chennai – 600 005.
4. The Administrative Officer,
Welfare for Differently Abled Person Department,
Lady Wellington College Campus,
No.5, Kamarajar Salai, Chennai – 600 005.
5. The Technical Officer,
Welfare for Differently Abled Person Department,
Lady Wellington College Campus,
No.5, Kamarajar Salai, Chennai – 600 005.
7. The District Collector, Vellore District.
8. The District Collector, Ranipet, District.
9. The District Collector, Cuddalore District.
10. The District Collector, Villupuram District.
11. The District Collector, Salem District.
12. The District Collector, Dharmapuri District.
13. The District Collector, Perambalur District.



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14. The District Collector, Ariyalur District.

15. The District Collector, Krishnagiri District.

16. The District Collector, Kallakurichi District, Thirukollur.

17. The District Collector, Chengalpet District.

18. The District Collector, Erode District.

19. The District Collector, Thiruvarur District.

20. The District Collector, Chennai District.

... Respondents

Prayer:- Writ Petition filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the 3rd respondent in proceedings No. Se. Mu. Na.ka.No. 000484 / Nir. 3 / 2023 dated 09.02.2023 and quash the same and consequently directing the respondents to regularize the services of the petitioners from their respective dates of their appointments respectively and to pay all other service benefits including the equal pay for equal work with all consequential and other monetary service benefits.

For petitioners : Mr.M.Gnanasekar

For Respondents : Mr.M.Alagu Gowtham
Government Advocate

ORDER

This Writ Petition has been filed to quash the impugned proceedings of the third respondent in proceedings No. Se. Mu. Na.ka.No. 000484 / Nir. 3 /



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2023 dated 09.02.2023 and consequently direct the respondents to regularize the services of the petitioners from their respective dates of their appointments respectively and to pay all other service benefits including the equal pay for equal work with all consequential and other monetary service benefits.

2. The petitioners were originally given temporary appointment on consolidated wages in the year 2015 as drivers to the vehicles purchased for the purpose of mobile medical units which has been established for disabled persons under G.O.Ms.No.70 dated 17.07.2013. The said Government Order has been passed mainly for disabled persons and for purchase of the vehicle. Thereafter, the petitioners have been appointed on temporary basis on a consolidated wages. Hence, it is the contention of the petitioners that since they have been working continuously from 2015 and they should be made as permanent employees. The writ petitioners filed a Writ Petition in W.P.No.27021 of 2022 and this Court by an Order dated 11.10.2022 directed the petitioners to submit a fresh representation seeking regularisation of their service within a period of two weeks and directed the respondents to consider the same and pass final Orders on merits and in



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accordance with law. Pursuant to the said direction, now the impugned Order has been passed rejecting the claim of the petitioners stating that there is no sanctioned post to regularize the petitioners. Challenging the same, the present Writ Petition has been filed.

3. Counter has been filed by the respondents stating that since the petitioners are appointed on temporary basis on consolidated pay and there is no sanctioned post available, they cannot be regularized merely because of their length of service.

4. I have perused entire materials. The petitioners have been originally appointed as drivers on temporary basis for the ambulance purchased for disabled persons as per the G.O.Ms.No.70. The petitioners were appointed on temporary basis on consolidated wages. It is to be noted that only for the purpose of providing facilities for disabled persons, certain facilities have been extended by the Government. While extending such benefits, admittedly drivers have been appointed and there was no sanctioned post available at the relevant point of time. It is the contention of the respondents that even now there is no sanctioned post for drivers. Therefore, this Court is



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of the view that merely because the petitioners have been appointed on temporary basis on consolidated wages, without any sanctioned post at the relevant point of time, as matter of right, the petitioners cannot seek regularisation. It is well settled principle that part-time or casual employment is meant to serve the exigencies of administration and their continuance in service for long period on part-time or temporary basis confers no right to seek regularisation in service, particularly, when the scheme of regularisation is within the domain of the state and the employer as held by the Apex Court in **State of Tamilnadu Vs. A.Singamuthu** reported in [2017] 4 Supreme Court Cases 113. In such view of the matter, I find no merits in this Writ Petition.

4. Accordingly, this Writ Petition is dismissed. If at all the Government accords regularisation to drivers, the period of service of the petitioners may be considered by the Government. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Neutral Citation : Yes/No

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N.SATHISH KUMAR, J.

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