



W.P.No.26519 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2023

CORAM:

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

W.P.No.26519 of 2014 and
MP.Nos.2 of 2014 & 1 of 2015

R.Kumar

... Petitioner

Vs.

- 1.The Commissioner,
Government Date Centre,
Guindy, Chennai 600 035
- 2.The Administrative Officer,
Government Date Centre,
Guindy, Chennai 600 035
- 3.The Secretary to Government,
Finance(C.A.) Department,
Secretariat, Chennai 600 009
- 4.The Secretary to Government,
Personnel and Administrative Reforms Department,
Secretariat, Chennai 600 009
- 5.The Director of Employment and Training,
Santhome High Road,
Chennai 600 004

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the original records of the first respondent in his impugned order RC.No.927/௮2/14 dated 05.03.2014 quash the same, consequently further direct the first respondent to regularise the services of the



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petitioner as Punch Operator at the Government Data Centre, Guindy from 22.05.2007 to 21.12.2007 excluding the ousted period and from 11.10.2010 till date.

For Petitioner : Mr.M.Elango

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

This writ petition has been filed challenging the order of rejection dated 05.03.2014 passed by the first respondent, thereby rejected the request made by the petitioner to regularise the petitioner's service as Punch Operator at the Government Data Center, Guindy.

2. The petitioner was appointed as Punch Operator as per GO.Ms.No.122 Finance(CA) Department dated 10.04.2007 at the Government Data Centre, Guindy, Chennai on contract basis on consolidated pay of Rs.4,000/- for a period of five months. Subsequently, the service was extended for two more months. Thereafter, he was discharged from duty for want of vacancy on 21.12.2007. Therefore, the petitioner and others made representation before the Minister for



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Finance. Thereafter, by letter dated 20.01.2009, 25 posts of Data Entry Operators were sanctioned and the first respondent was directed to fill up the post through Employment Exchange. However, the petitioner was not selected and the petitioner approached this Court in WP.No.13787 of 2009. Thereafter, the petitioner was again appointed as Data Entry Operator on 11.10.2010 under Rule 10(a)(i) of the State and Subordinate Service Rules. Thereafter, 14 posts of Punch Operators were kept vacant and as such he requested to accommodate him in one sanctioned vacant post. However, the said request was rejected.

3. Heard, the learned counsel appearing on either side.

4. On perusal of counter filed by the respondent, revealed that the petitioner was appointed on temporary basis, that too for a period of five months or it may be continued till the examination work is completed, whichever is earlier. He was appointed under the consolidated wage of Rs.4,000/- per month as Punch Operator on 22.05.2007. Thereafter, the service was extended for two months as per



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GO.Rt.No.1146 Finance(CA) Department dated 19.10.2007. Thereafter the period of contract was over and his service had to be terminated after lapse of extended period of two months since he was appointed on temporary basis under adhoc appointment. In fact, he was recruited on temporary basis subject to the condition that his service will be terminated as and when post of Punch Operator is filled up with regular employees or candidates selected through Public Service Commission. Therefore, his service was not required to the Government Data Centre. He was appointed under Rule 10(a)(i) of Tamilnadu State and Subordinate Service Rules.

5. Thereafter, the petitioner approached this Court in WP.No.13787 of 2009 and this Court though rejected the claim of the petitioner, on regular basis before filling up vacancies in the post of Punch Operators through Public Service Commission in the event of any need for temporary appointment, the respondents were directed to consider the case of the petitioner to reappoint him on temporary basis till the vacancies are filled on the regular basis. Therefore, again the



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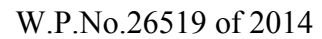
petitioner was considered for appointment under Rule 10 (a) (i) of Tamilnadu State and Subordinate Service Rules on the basis of the need of the Government Data Centre. Further, the qualifications prescribed for the post of Punch Operators as amended in GO.Ms.No.294 Finance (CA) Department dated 01.08.2012 are as follows:

(i) Must have passed +2 (Plus two) Higher Secondary Grade examination conducted by the Government of Tamilnadu, or an equivalent Examination

(ii) Must have passed the Government Technical Examination Typewriting in English and in Tamil by Senior Grade conducted by the Department of Technical Education, Government of Tamilnadu and

(iii) Must have passed "Certificate Course in Computer Office Automation" conducted by the Department of Technical Education, Government of Tamilnadu.

6. Accordingly, the petitioner is not even possessing the prescribed qualification in order to appoint him in the permanent vacancy. Therefore, the petitioner has no enforceable legitimate or lawful right to seek appointment to the post of Punch Operator even temporarily. Hence, the first respondent had rightly rejected the request



7. Accordingly, this writ petition is dismissed. Consequently, all pending miscellaneous petitions are closed. There shall be no order as to costs.

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Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

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High Court, Madras.

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