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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2023

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.21338 of 2017
and
W.M.P.No.22273 of 2017

Akasan Ayyakannu

.. Petitioner

Vs.

1.Government of India

Rep. by Joint Secretary (DL and BP) to Government,
Minister of Human Resources Development,
Department of Higher Education,
Technical Section VII,
Shastri Bhavan,
New Delhi – 110 001.

2.Board of Apprenticeship Training,

(Southern Region)

Rep. by the Chairman,

4th Cross Road,

Taramani,

Chennai - 600 113.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 2nd respondent in F.No.BAT/SRC/1.0/2017 dated 13.07.2017 against the appointment of the petitioner as Adviser to the



Board of Apprenticeship Training (Southern Region) and to quash the same as incompetent and consequently direct the 2nd respondent to permit the petitioner to continue to perform his duty till the end of his tenure of appointment.

For Petitioner .. Mr. V. Vikram for V. Srimathi

For Respondents .. Mr. P. Ayyaswamy, Standing Counsel

ORDER

This Writ Petition has been filed in the nature of Certiorarified Mandamus seeking records of the 2nd respondent, Board of Apprenticeship Training (Southern Region) in F.No.BAT/SRC/1.0/2017 dated 13.07.2017 against the appointment of the petitioner as Advisor to the Board of the 2nd respondent and to quash the same and direct the 2nd respondent to permit the petitioner to perform his duty till the end of tenure of his appointment.

2.The petitioner had come to Court, after he had attained the age of superannuation and after he had permitted to retire. After that, the petitioner had been appointed as Advisor to the Board of Apprenticeship Training (Southern Region) and certain duties and responsibilities had been fixed.



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3.It must be kept in mind, even before proceeding further that, once the age of superannuation had crossed, the relationship of employer and employee ceases. Any subsequent appointment would only be an appointment on contract or on agreement between the employer and employee. There is no duty caused on the employer to continue with the agreement and continue with the service, even after the age of superannuation or during the period of contract. If in breach of the agreement the petitioner in this case had been terminated as Advisor, the only relief the petitioner should seek is for enforcement of that particular agreement or for damages.

4.Even on the previous hearing date, the Court had observed that after retirement, the petitioner has been appointed as Advisor as an exceptional case to the Board. By an impugned order dated 13.07.2017, the said extension had been withdrawn.



5.It is clear that the respondents do not want the advise of the petitioner. They had received enough advise from him through out his career. Now since he had retired, they want to retire and be at home and advise everybody else but not the respondents. There cannot be any obligation on the part of the employer to treat the petitioner as somebody in regular service.

6.It is seen from the information provided by the respondents that the petitioner had attended the office in the capacity of Advisor till 11.07.2017. He had been paid remuneration of a sum of Rs.33,649/- from 01.06.2017 to 16.06.2017. It is also stated that all remuneration has been paid.

7.Hence, nothing further survives for adjudication in the present writ petition. Accordingly, the writ petition is dismissed. No costs. Consequently, connected writ miscellaneous petition is closed.

05.09.2023

smv

Index:Yes/No

Neutral Citation:Yes/No

Speaking order:Yes/No



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To

1. The Joint Secretary (DL and BP) to Government,
Minister of Human Resources Development,
Department of Higher Education,
Technical Section VII,
Shastri Bhavan,
New Delhi – 110 001.

2. The Chairman,
Board of Apprenticeship Training,
(Southern Region)
4th Cross Road,
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C.V.KARTHIKEYAN,J.

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