



W.A.(MD) No.1017 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.A.(MD) No.1017 of 2023

P.Kanthimathi

... Appellant

-vs-

- 1.The State of Tamil Nadu
rep.by its Principal Secretary
to the Government
Department of Social Welfare
and Nutritious Meal Programme
Fort St.George, Chennai-9
- 2.The Director cum Mission Director
Directorate of Integrated Child
Development Services
Pammal Nallathambi Street
M.G.R.Road, Taramani
Chennai-600 113
- 3.The Deputy Director
Integrated Child Development Services
Pammal Nallathambi Street
M.G.R.Road, Taramani
Chennai-600 113

... Respondents



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Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 03.01.2023, passed in W.P.(MD) No.7272 of 2020, on the file of this Court.

For Appellant : Mr.S.Rajasekar
for M/s.Lajapathi Roy and Associates

For Respondents : Mr.J.K.Jeyaseelan
Government Advocate

J U D G M E N T

[Judgment of the Court was made by S.S.SUNDAR, J.]

This writ appeal is directed against the order of the learned Single Judge, dated 03.01.2023, passed in W.P.(MD) No.7272 of 2020.

2. The appellant was appointed as a Specialist (Financial Management) on contractual basis in the office of the second respondent on 28.08.2019 for a period of one year. She applied for maternity leave for three months from 27.01.2020 to 25.04.2020. Later, she sent a letter, dated 20.05.2020 to the second respondent seeking extension of maternity leave. Since the appellant was not a regular employee, her request for extension of maternity leave was rejected and the contract itself was terminated.



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Challenging the order passed by the second respondent, dated 05.06.2020, the appellant filed a writ petition in W.P.(MD) No.7272 of 2020, in which, on 03.01.2023, while disposing of the writ petition, the Writ Court has passed the following order:

“4. At this juncture, the learned counsel for the petitioner would submit that the petitioner sought for maternity leave on account of COVID-19 pandemic. He would further submit that a direction may be issued to the respondents to provide employment to the petitioner, if any post is available on contractual basis.

5. Considering the limited request made by the petitioner, without interfering with the order impugned, the writ petition is disposed of granting liberty to the petitioner to approach the respondents seeking employment on contractual basis. No costs. Consequently connected Miscellaneous Petitions are closed.”

3. This Court, having regard to the admitted facts, finds no merits. Having got employment on contractual basis, the appellant is not entitled to any of the privileges of a regular employee. After the expiry of tenure, the appellant has no enforceable right. It appears that the appellant herself made a request to the learned Single Judge to direct the respondents to provide her



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employment on contractual basis and the learned Single Judge has also directed the respondents to consider the request of the appellant, in case she applies for employment on contractual basis. Hence, this writ appeal is devoid of merits and the same is therefore dismissed. No costs.

[S.S.S.R., J.]

[D.B.C., J.]

10.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

- 1.The Principal Secretary
to the Government,
Department of Social Welfare
and Nutritious Meal Programme,
State of Tamil Nadu,
Fort St.George, Chennai-9.
- 2.The Director cum Mission Director,
Directorate of Integrated Child
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