



W.P.(MD)No.12024 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.12024 of 2020

and

W.M.P.(MD)No.10368 of 2020

B.Maharaja

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Corporation for Development of Women Limited,
Annai Theresa Mahilar Vilagam,
1st Floor, Valluvarkottam High Road,
Nungambakkam,
Chennai – 600 034.

2. The Secretary,
Reward Society,
Villupuram,
Villupuram District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to appoint the petitioner in the post of Assistant Project Officer in Tamil Nadu



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Urban Livelihood Mission (TNULM) by considering the Selection List published by the second respondent based on the interview conducted by the second respondent on 11.07.2019.

For Petitioner : Mr.G.Gangai Amaran
For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

This Writ Petition has been filed for a direction to the respondents to appoint the petitioner to the post of Assistant Project Officer in the Tamil Nadu Urban Livelihood Mission (TNULM), by considering the Selection List published by the second respondent, based on the interview conducted by the second respondent on 11.07.2019.

2. The case of the petitioner is that the first respondent Corporation was established during the year 1983 with the main object of bringing Socio Economic Empowerment to Women living in the Rural and Urban areas. There are two schemes which are sponsored by the first respondent, i.e., Centrally sponsored Scheme, (i) Tamil Nadu State Rural



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Livelihood and (ii) Tamil Nadu Urban Livelihood Mission (TUNULM) and NREPP, DPC and GKY and the said Schemes functioned, namely, Mathi and Ammal Two Wheeler Scheme. The said Schemes have been implemented from the year 2014-15. The said Scheme is funded by both Central and State Governments in the ratio of 60:40. In order to implement the schemes, the second respondent issued a notification dated 07.02.2019 for filling up the posts of Assistant Project Officers in Tamil Nadu Urban Livelihood Mission (TULUM). Based on the notification, the petitioner has applied for the post of Assistant Project Officer and he was selected to the post of Assistant Project Officer at Serial No.1. But till date, no action was taken by the second respondent to issue the appointment order in his favour. It is pertinent to note that, in earlier occasion, he was appointed as an Assistant Project Officer at Madurai District, Mahilar Thittam on contract basis, vide proceedings of the first respondent dated 21.05.2008 for a period of two years. Subsequently, after completion of two years, his services were continued. However, the first respondent issued a show cause notice to the petitioner with regard to Service Assessment Report on 18.10.2012, for which, he submitted a detailed explanation denying the allegations. After



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receipt of the explanation, without conducting any enquiry, the first respondent terminated the petitioner from service vide proceedings dated 27.12.2012. Challenging the same, the petitioner has filed a Writ Petition before this Court in W.P.(MD)No.246 of 2013. This Court, by order dated 07.01.2013, granted an order of stay and subsequently, the said Writ Petition was withdrawn on 16.07.2015. Till Now, the appointment order was not issued and he was not reinstated into his earlier service. Thereby, the present Writ Petition has been filed.

3. The learned counsel appearing for the petitioner would submit that earlier the petitioner has rendered service as Assistant Project Officer at Madurai District, Mahilar Thittam, however he was terminated without notice. In similar situations, when a co-employee, namely, Jobkamaraj, has approached the Principal Seat of this Court by filing a Writ Petition in W.P.No.4070 of 2010, the same was allowed on 22.09.2017, whereby, the Principal Seat of this Court directed the respondents to reinstate him but without any back wages by applying the principles of "No Work No Pay". Since the petitioner is a similarly situated person, however till date, after



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2012 he was not reinstated into service and no order was passed. While so, the petitioner has participated in the subsequent selection process for the very same post, however, the result of the petitioner was not communicated to the petitioner. Hence, this Court may issue a direction to the respondents to communicate the decision so as to enable the petitioner to work out his remedy in the manner known to law.

4. The learned Special Government Pleader appearing for the respondents would submit that pursuant to the selection list, the petitioner's name was not found in Serial No.1 of the said list and he was not at all selected in the above recruitment. Further, the selected 32 candidates have been engaged as Assistant Project Officer on contract basis in the existing 32 vacancies in Tamil Nadu Urban Livelihood Mission Scheme and hence, the question of engaging the petitioner for the post of Assistant Manager does not arise. Further, in the earlier occasion, he was appointed as an Assistant Project Officer on contract basis in Madurai District, Mahalir Thittam by the first respondent vide proceedings dated 21.05.2008 for a period of two years and he was engaged as Assistant Project Officer on



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02.06.2008. After completion of two years, the contract period was further extended, vide order, dated 02.08.2010. The appointment was purely temporary on contract basis and shall not confer any right on the petitioner to make claim for his continuance in the position. Further, the period of contract was already over and his contract had not been renewed. The respondents have every right to terminate the petitioner as per clause 4 of the agreement and clause 11 of the appointment order. The performance of the petitioner was found to be not satisfactory and hence, he was terminated. The petitioner has no right to force the respondents to engage him as Assistant Project Officer on contract basis in TNULM Scheme and hence, his request cannot be considered. Accordingly, he prayed for dismissal of the Writ Petition.

5. Heard the learned counsel for the parties and perused the materials placed before this Court.

6. The facts in the present case are not in dispute. Admittedly, the petitioner was appointed as Assistant Manager in the year 2008 for a period



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of two years on contract basis. However, the petitioner claimed that subsequently the period was not extended, thereby he filed a Writ Petition before this Court in W.P.(MD)No.246 of 2013 and the same was withdrawn on 16.07.2015. Subsequently, the petitioner claimed that he participated in the selection process and the result was not communicated to the petitioner.

7. In view of the above, this Court is inclined to issue a direction to the respondents to communicate the result to the petitioner as expeditiously as possible so as to enable him to work out his remedy in the manner known to law.

8. With the above observations, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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