



WEB COPY



W.P.No.1969 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.1969 of 2021
and W.M.P.No.2230 of 2021 and
W.M.P.No.2190 of 2022

R.Murugan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by Secretary to Government,
Youth Welfare and Sports Development Department,
Fort St. George, Secretariat,
Chennai 600 009.

2.The Member Secretary,
Sports Development Authority of Tamil Nadu,
No.116-A, Periyar EVR High Road,
Nehru Park, Chennai 600 084.

3.The Chief Administrative Officer,
Sports Development Authority of Tamil Nadu,
No.116-A, Periyar EVR High Road,
Nehru Park, Chennai 600 084.

4.The District Sports Officer,
Tiruvannamalai District,
Tiruvannamalai.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from



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terminating the services of the petitioner from the post of Lifeguard as contingent staff on daily wages in the District Sports Stadium, Tiruvannamalai and consequently allow the petitioner to work as Lifeguard as contingent staff on par with other Group 'D' servants working in Sports Development Authority of Tamil Nadu (SDAT) as per the directions of the Member secretary, SDAT in Rc.No.14829/S12/2005 dated 27.09.2006, with consequential and other attendant benefits, within a time frame to be fixed by this Court.

For Petitioner : Ms.S.Banumathi for
Mr.S.Nedunchezhiyan

For Respondents : Mr.K.H.Ravikumar, GA for R1
Ms.N.S.Tanvi,
Standing Counsel for R2 to R4

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to forbear the respondents from terminating the services of the petitioner from the post of Lifeguard as contingent staff on daily wages in the District Sports Stadium, Tiruvannamalai and consequently allow the petitioner to work as Lifeguard as contingent staff on par with other Group D servants working in Sports Development Authority of



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Tamil Nadu (SDAT) as per the directions of the Member secretary, SDAT in Rc.No.14829/S12/2005 dated 27.09.2006, with consequential and other attendant benefits, within a time frame to be fixed by this Court.

2. Heard Ms.S.Banumathi learned counsel for the petitioner, Mr.K.H.Ravikumar, learned Government Advocate for the first respondent and Ms.N.S.Tanvi, learned Standing Counsel for the respondents 2 to 4.

3. The petitioner was appointed as Lifeguard as contingent staff on daily wages in District Sports Stadium, Tiruvannamalai on 01.04.2010. The petitioner and others has filed a Writ Petition in W.P.No.4653 of 2016 to regularise their service in Group 'D' post with time scale pay in the light of the orders passed to the similarly placed persons and the same is pending. While so, the third respondent issued orders dated 23.09.2020 to outsource all the Group 'D' posts in Sports Development Authority of Tamil Nadu to draw employee from private agencies by floating tender by referring to G.O.Ms.No.49, P&AR Department dated 14.05.2002. The



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above order has been challenged by some employees in W.P.No.15046 of 2020.

4. The learned counsel for the petitioner submitted that on 28.09.2020 when the petitioner attended the work in the morning he was not allowed to attend duty. The petitioner gave a representation to the fourth respondent on 27.11.2020 to allow the petitioner to work and that has not been considered so far. In fact, there was an interim stay granted in W.P.No.15046 of 2020, but the Writ Petition was dismissed on 15.11.2022.

5. Though the present petitioner is not a petitioner in W.P.No.15046 of 2020, the relief claimed by the petitioner in this Writ Petition is also similar to that of the prayer claimed by the other employees in W.P.No.15046 of 2020. The petitioner has already filed a Writ Petition in W.P.No.4653 of 2016 to regularise his services and the same is said to be still pending. So the petitioner has to workout his remedy and claim regularisation in the said Writ Petition instead of filing



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this Writ Petition to prevent the respondents from outsourcing Group 'D' employees to private engagements.

6. Even though the petitioner and similarly placed are engaged for several years as daily wages, it appears that the Government has not formulated any scheme or policy to regularise their services. Instead the Government has proceeded to outsource Group 'D' employees to the private engagements. Though it is not compulsive on the part of the Government to continue to avail the services of the contingent staff like the petitioner, their long services with the respondents could have been considered for engaging them in any feasible manner.

7. With the above observations, this Writ Petition is disposed. No costs. Consequently, connected miscellaneous petitions are closed.

21.03.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk



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R.N.MANJULA, J.

gsk

To

1.The Secretary to Government,
Youth Welfare and Sports Development Department,
Fort St. George, Secretariat,
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2.The Member Secretary,
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