



W.P.No.3517 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM:

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

W.P.No.3517 of 2020
and W.M.P.No.4115 of 2020

1. R.Selvam

2. R.Veeramani

... Petitioners

-Vs-

1. Tamil Nadu Civil Supplies Corporation Ltd.,
Represented by its Managing Director,
No.12, Thambu Swamy Road,
Kilpauk, Chennai 600 010.

2. The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Regional Office,
Master Plan Complex,
Mannargudi Road, Vilamal,
Thiruvapur – 610004.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records of first Respondent in connection with the proceedings bearing Reference No.Ae.E.2/ 5296/2019(2) dated 13.11.2019 and the consequent proceedings of second respondent bearing reference No.Na.Ka.No.Ip.Pi1/01486/2016 dated 22.11.2019 and quash the same and direct the respondents to continue to retain the Petitioners in the seniority position of 15 or above in the case of the first Petitioner and



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seniority position of 80 or above in case of the second Petitioner and continue to allocate work to them as seasonal workmen compatible with their seniority position before the impugned order.

For Petitioners : Mr.Gautam S Raman
For R1 and R2 : Mr.S.Senthil Kumar

ORDER

This writ petition has been filed challenging the proceedings of the first respondent dated 13.11.2019 and the consequential proceedings of the second respondent dated 22.11.2019 thereby placed the petitioners below the other seasonal workmen.

2. Heard both sides and perused the materials available on record.

3. The first petitioner has been engaged as Watchman in the year 2006 and subsequently promoted to the post of helper in the year 2009. The second petitioner had joined as a seasonal workman in the capacity of helper on 10.01.2011. While being so, there was settlement during every procurement season and the same seasonal labourers are re-engaged by the maintaining seniority for seasonal labour at the regional level, on the basis of seniority. The first petitioner had rendered 15 years



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of service and the seniority position is 15 in Tiruvarur region and the second petitioner's seniority position is 80. As per the settlement talk, filling up of permanent vacancy in clause III and clause IV, out of the seasonal labour, who is qualified for such permanent position in accordance with the service regularizations is done on the basis of their seniority. While being so, the petitioners were offered permanent employment by the proceedings of the second respondent dated 06.06.2019. However, the petitioner's denied the permanent employment and they wanted to continue as seasonal worker in order to avoid transfer due to their personal inconvenience. Therefore, their seniority is now placed below the juniors in the seasonal labourers seniority list.

4. The learned counsel for the petitioners would submit that the re-engagement of seasonal workers, season to season is based on the Government Orders in G.O.No.2045 dated 20.11.1989 and there is no provisions to lower a seniority of seasonal worker in case he does not want to be appointed on permanent basis.

5. A perusal of the counter and on the submissions made by the



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learned counsel for the respondents revealed that the first respondent issued circular No.21 of 2018 dated 09.04.2018. Accordingly, if the seasonal workers unwilling the regular post during the absorption in Corporation, his name shall be arrayed in last position.

6. Admittedly, both the petitioners relinquished their permanent of employment due to their family circumstances. Therefore, they cannot claim seasonal post as a matter of right in accordance with the original seniority. Only after the circular, the petitioners made request in the year 2019, thereby owned to continue as temporary seasonal workers. Therefore, the Government order dated 20.11.1989 is no way connected with the present circular dated 09.04.2018. The Government Order does not say about the relinquishment of permanent employment. As per Government Order, the seniority shall be maintained for their permanent employment.

7. In view of the above, this Court finds no infirmity or illegality in the order passed by the respondents and the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands



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dismissed. Consequently, connected Miscellaneous petition is closed.

There shall be no order as to costs.

10.09.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

Neutral Citation : Yes/No

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G.K.ILANTHIRAIYAN. J.

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To

1. The Managing Director,
Tamil Nadu Civil Supplies Corporation Ltd.,
No.12, Thambu Swamy Road,
Kilpauk, Chennai 600 010.
2. The Senior Regional Manager,
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