



W.P.No.5087 of 2021

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.5087 of 2021 and
W.M.P.No.5661 of 2021

Sonathurai

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment Board,
Nungambakkam,
Chennai 600 034.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Tiruppur - 4.

3.The Executive Officer,
Arulmighu Soleeswaraswamy Thirukovil,
Moolanur 638 106
Tarapuram Taluk,
Tiruppur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to forbear the third respondent from interfering with the functioning of the petitioner as Night Watchman and to regularise the service of the petitioner as Night Watchman in the third



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respondent Temple as permanent as per the proceedings of the first respondent in Na.Ka.No.52261/2012/I1, dated 26.09.2020 within a time frame as may be fixed by this Court.

For Petitioner : Mrs.Jasmine Padma for
Mr.L.Chandrakumar

For Respondents : Mr.C.Jayakumar, GA (HR & CE)

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to forbear the third respondent from interfering with the functioning of the petitioner as Night Watchman and to regularise the service of the petitioner as Night Watchman in the third respondent Temple as permanent as per the proceedings of the first respondent in Na.Ka.No.52261/2012/I1, dated 26.09.2020 within a time frame as may be fixed by this Court.

2. Heard Mrs.Jasmine Padma, learned counsel for the petitioner and Mr.C.Jayakumar, learned Government Advocate (HR & CE) for the respondents.

3. The petitioner has been appointed as Night Watchman on daily



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wage basis on 10.05.2019. The petitioner has given a representation to consider his regularisation in accordance with the proceedings of the first respondent dated 26.09.2020. The said proceedings have been issued to the effect of regularising the services of the daily wagers who have completed five years of service as on 31.07.2019 and who have been given with consolidated pay. Admittedly, this petitioner was appointed only in the year 2019 and he does not fall under the purview of the said proceedings.

4. The learned counsel for the third respondent submitted that the petitioner who was a daily wager had stopped attending duty by himself without any intimation from 20.10.2020.

5. The petitioner being a daily wager cannot claim any job protection unless he has been in continuous service for a prescribed time limit contemplated under Na.Ka.No.52261/2012/I1, dated 26.09.2020. Since the petitioner abstained from duty, the respondents cannot be compelled to engage the services of the petitioner once again as daily wager or under any other category. The petitioner has lost the opportunity



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that was available to him. Hence, this Court finds no reason to consider the prayer sought in this Writ Petition.

6. In view of the above stated reasons, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

12.01.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No
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R.N.MANJULA, J.

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