



W.P.Nos.8838 of 2024, etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2024

CORAM:

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

W.P.Nos.8838, 8840, 8842, 8843 & 8844 of 2024

WP.No.8838 of 2024

K.Thenmozhi

... Petitioner

Vs.

- 1.The Chief Secretary to Government,
Social Welfare and Women Empowerment (SW.5) Department,
Government of Tamilnadu,
Secretariat, Chennai 600 009
- 2.The Commissioner & Director of Social Welfare,
Department of Social Welfare,
Saidapet, Chennai 600 015
- 3.The District Collector,
Perambalur District
- 4.The District Social Welfare Officer,
District Social Welfare Office,
Cradle Baby Scheme,
Perambalur District

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the records relating to the letter No.13280/சுந5(2)/2017-17 dated 15.12.2023 issued by the first respondent and quash the same as illegal and consequently direct the first respondent to regularize the petitioner's



W.P.Nos.8838 of 2024, etc. batch

service on considering the petitioner's long service from 14.11.2012 till date and was appointed through proper channel of employment exchange and by the competent appointing authority.

For Petitioner
in all WP's : Mr.R.Venkatesulu

For Respondents
in all WP's : Mr.Yogesh Kannadasan,
Special Government Pleader

COMMON ORDER

These writ petitions have been filed challenging the orders passed by the first respondent dated 15.12.2023 thereby rejected the request made by the petitioners seeking regularisation of their service.

2. The petitioners are working in respective posts for consolidated salary in the Cradle Child Division of Social Welfare Department, Perambalur. According to the petitioners, they were appointed through employment exchange and they are continuously working from the year 2011. Therefore, they are seeking regularisation of their service. However, the said request was rejected.



W.P.Nos.8838 of 2024, etc. batch

WEB COPY

3. The learned counsel appearing for the petitioners also pointed out that as per GO.Ms.no.74 Personnel and Administrative Reforms (F) Department dated 27.06.2013, the persons who have completed 10 years of service as on 01.01.2006 are entitled for regularisation.

4 Heard, the learned counsel appearing on either side.

5. It is seen that all the petitioners were engaged only under consolidated salary in the scheme floated by the fourth respondent called as Cradle Child Division of Social Welfare Department, Perambalur. They were not appointed through proper channel and whenever their services are required, they are engaged under the particular scheme. After completion of the scheme tenure, they cannot be engaged under the said scheme. That apart, they were engaged as co-terminus to the particular scheme. That apart, GO.Ms.no.74 Personnel and Administrative Reforms (F) Department dated 27.06.2013 is not applicable to the case on hand since they were appointed only in the year 2011. Therefore, they have not completed required years of service.



W.P.Nos.8838 of 2024, etc. batch

WEB COPY

6. Further, the Hon'ble Supreme Court of India held that the duration of particular scheme under which the petitioners are employed can be extended as per the expansion of scheme from time to time. If the temporary or adhoc engagement or appointment is in connection with a particular project or a specific scheme, the adhoc or temporary service of the persons employed under the project or scheme would come to an end on completion / closure /cessation of the project or the scheme. Even the scheme is in operation for some decades and the very same employees are continued on adhoc post, they would not be entitled for permanency or regularisation. Further, the Hon'ble Supreme Court of India held in the case of *State of Karnataka Vs. Umadevi and others* reported in **2006 (4) SCC** that one's employment under a temporary scheme could not confer upon him the rights akin to those held by permanent employees. Further, temporary or casual employees do not have a fundamental right to be observed into service. Therefore, the request made by the petitioners was rightly rejected and this Court finds no infirmity or illegality in the impugned orders and as such, all the writ petitions are liable to be dismissed.



W.P.Nos.8838 of 2024, etc. batch

WEB COPY

7. Accordingly, all the writ petitions are dismissed. There shall be no order as to costs.

16.07.2024

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
lok

To

- 1.The Chief Secretary to Government,
Social Welfare and Women Empowerment (SW.5) Department,
Government of Tamilnadu,
Secretariat, Chennai 600 009
- 2.The Commissioner & Director of Social Welfare,
Department of Social Welfare,
Saidapet, Chennai 600 015
- 3.The District Collector,
Perambalur District
- 4.The District Social Welfare Officer,
District Social Welfare Office,
Cradle Baby Scheme,
Perambalur District



WEB COPY



W.P.Nos.8838 of 2024, etc. batch

G.K.ILANTHIRAIYAN, J.

lok

W.P.Nos.8838, 8840, 8842, 8843 & 8844 of 2024

16.07.2024