



W.P.No.19606 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

CORAM:

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

W.P.No.19606 of 2022

and

W.M.P.No.18909 of 2022

J.Sivakumar

... Petitioner

-Vs-

- 1.The Secretary to Government,
Rural Development Department,
Government of Tamilnadu, Secretariat,
Fort St.George, Chennai – 600 009.
- 2.The Director,
Rural Development – Panchayat Raj,
Panagal Maligai,
Chennai – 600 015.
- 3.The District Collector,
Villupuram District,
Villupuram.
- 4.The Project Director,
Rural Development – Panchayat Raj,
Villupuram District.



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5.The Block Development Officer,
Olakkur, Thindivanam,
Villupuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in Ref.No.Na.Ka.No.A1/01/2022 dated06.2022 on the file of the 5th respondent and quash the same and consequently, direct the respondents to regularize the service of the petitioner.

For Petitioner : Mr.K.Balaji

For R1 to R4 : Mr.S.Rajesh
Government Advocate

For R5 : Mr.T.Chezhiyan
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order passed by the 5th respondent dated 15.06.2022, thereby relieved the petitioner from the post of driver.

2. Heard the learned counsel on either side and perused the materials available on record.



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3. The petitioner was appointed as a Jeep Driver on temporary/daily wage basis in the office of the Rural Development Agency, Villupuram by the District Collector, Villupuram by the communication dated 13.04.2004. He was paid a sum of Rs.110/- per day as per his number of working days. Though the petitioner submitted an application for regularization of his service, since he had completed ten years of service, the said request was not considered, since there is no provision overrule to regularize the services of temporary/daily wage employees. That apart, the Panchayat Union Committee did not allot funds for the wages of the petitioner considering the financial position. However, the Panchayat Union also did not approve the disbursement of wages to the petitioner. Therefore, he was terminated as on 15.06.2022.

4. Therefore, the petitioner has no right to claim regularization of his service, since in his very appointment itself, it is stated as his appointment as daily wage Driver is purely temporary and he has no right to claim in anyway in future. That apart, the petitioner was not appointed



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through any employment exchange. Therefore, the contention raised by the petitioner cannot be considered. Hence, this Court finds no infirmity or illegality in the order passed by the fifth respondent and this writ petition is devoid of merits and is liable to be dismissed.

5. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petition is closed. No costs.

10.01.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order
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