



WEB COPY

Review Application No.229 of 2



THE HIGH COURT OF JUD ICATURE AT MADRAS

Dated : 20.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

Review Application No.229 of 2023
and
C.M.P.No.29595 of 2023

1.The Commissioner,
Corporation of Greater Chennai,
Rippon Building, Chennai - 600 003.

2.The Deputy Commissioner (Education),
Corporation of Greater Chennai,
Rippon Building, Chennai - 600 003.

3.The Education Officer (Education Department),
Corporation of Greater Chennai,
Rippon Building, Chennai - 600 003.

...Applicants

Vs.

1.M.Govindaraj

2.The Government of Tamil Nadu,
Rep. by its Secretary,
Municipal Administration and Water Supply Department,
Fort St.George, Chennai - 600009.

...Respondents

Prayer: Review Petition filed under Order 47 Rule 1 r/w. Section 114 of the Civil Procedure Code, seeking to review the final order dated 06.02.2023 passed in W.A.No.1727 of 2018.



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For Petitioners : Mr.Silambannan
Additional Advocate General assisted by
Ms.Aswini Devi. K
For Respondents : Mr.K.Raja

ORDER

(Order of the Court was made by R.SUBRAMANIAN, J.)

Heard Mr.Silambannan, learned Senior Counsel appearing for the
Greater Chennai Municipal Corporation.

2.The review is sought for solely on the ground that the appellant in
the writ appeal / respondent herein having been accommodated as a
Principal of the Industrial Training Institute, the Tamil Nadu Industrial
Establishments (Conferment of Permanent Status to Workmen) Act, 1987
would not apply to him.

3.The facts, which are admitted demonstrate that the respondent was
appointed through employment exchange on a temporary basis as an
Instructor in the Industrial Training Institute that was started by the Chennai



Corporation on 27.04.2000. He was relieved because of the non-sanctioning of the post by the Tamil Nadu Government on 31.10.2003.

Upon challenge, the order relieving the respondent was set aside by this Court on 24.06.2004.

4.Soon after the order of this Court, the Government passed G.O.Ms.No.292 on 06.08.2004 sanctioning the establishment and the staff for the Industrial Training Institute. Upon issuance of the said Government Order, the petitioner was again accommodated as Instructor on 09.09.2004. Thereafter, he was promoted as Principal on 15.11.2006. Unfortunately, as it has become the habit of the arms of the Government, instead of employing them on a permanent basis they chose to exploit these workers and they were put on a consolidated salary. Thereafter, after about five years, these persons, who are working in the Industrial Training Institute of the Chennai Corporation were brought on a time scale of pay from 30.11.2009.

5.In the interregnum, one T.Rajmohan, who worked as an Instructor between 05.06.2000 and 21.01.2002 had on been conferred permanency. The said Rajmohan sought for relief of regularization in W.P.No.22088 of



2010 and this Court allowed the Writ Petition granting permanent status to him from the date of his initial appointment. The said order came to be confirmed by the Hon'ble Supreme Court. Taking this into account, we had allowed the Writ Appeal filed by the respondent herein directing conferment of permanent status. Even assuming the act does not apply, the initial recruitment being through an employment exchange and to an existing vacancy which was subsequently approved and the fact that one employee who was in a similar position has already been favoured with an order, we do not think, we could review the order passed by us on 06.02.2023.

6.Though this Court and the Hon'ble Supreme Court have been making several attempts to make the authorities see reason and stop exploitation of their own citizens, it seems to be the never ending story. Such exploitation by appointing people on a temporary basis even in a permanent vacancy must stop. We hope that the powers that be realize the real object sought to be achieved by the Hon'ble Supreme Court when it pronounce the dictum in *State of Karnataka Vs. Umadevi* reported in *(2006) 4 SCC 1* is achieved at least in recent future.



7.This review is therefore, **dismissed**. Consequently, connected miscellaneous petition is closed.

(R.S.M., J.) (R.S.V., J.)
20.02.2024

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Internet:Yes

Index:No

Speaking

Nuetral Citation :No

To:-

The Secretary,
Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Fort St.George, Chennai - 600009.



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