



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.24886 of 2021
and W.M.P.Nos.26197 & 26198 of 2021

- 1.Kabaskar
- 2.Dharmalingam
- 3.Maheswaran
- 4.Dinakaran
- 5.P.Sattish
- 6.Sivasankaran
- 7.B.Sivakumar
- 8.Mohan
- 9.S.Manimaran
- 10.Velu
- 11.Andavar
- 12.Vettrivel
- 13.Harikrishnan

... Petitioners

Vs.

- 1.Union of India
Rep by Chief Secretary to Government,
Government of Puducherry,
Chief Secretariat, Puducherry.
- 2.The Secretary to Government (Adhidraida
Welfare Department),
Government of Puducherry,
Chief Secretariat, Puducherry.
- 3.The Director,
Adhidraida Welfare Department, Puducherry.



4. The Managing Director,
Puducherry Adhidraida Development Corporation Ltd.,
(The Government of Puducherry Undertaking)
No.30, 2nd Cross, Ponnagar,
Reddiarpalayam, Puducherry.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to re engage the petitioners in service and consequently, direct the respondents to consider the case of the petitioners for regularization with all consequential monetary and other service benefits.

For Petitioners : Mr.M.Gnanasekar

For Respondents : Mr.J.Kumaran, AGP (P)

ORDER

This Writ Petition has been filed seeking for a direction to the respondents to re-engage the petitioners in service and consequently, to direct the respondents to consider the case of the petitioners for regularization with all consequential monetary and other service benefits.

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



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3. The learned counsel for the petitioners would submit that the petitioners were initially appointed on daily basis in the 4th respondent Corporation and on deputation, they were sent to Adidravidar Welfare Department. Apart from the petitioners, others are working in the engineering wing, SC/SP Cell, Survey Wing, Hostel Maintenance. For regularization of the service of the petitioners, the 4th respondent requested the respondents 1 to 3 and a proposal was also submitted for creation of 42 posts of MTS (General). Later, the proposals were approved by the Welfare Department and Government of Puducherry. The issue regarding the petitioner was placed before the 94th Board of Directors Meeting which was held on 30.12.2013 and the same was placed before the Board of Directors meeting held on 30.06.2015. He further submitted that the petitioners have been working in the Adidravidar Welfare Department for nearly 4 years and all of a sudden, they were removed. Against which, the petitioners made a representation to the respondents on 15.01.2016 for requesting to re-engage them in service. Apart from the petitioners, other persons, who were engaged in 2010 on out sourcing basis were given breaks in service only from 2014 and they were working continuously on daily basis. The action of the respondents in treating the petitioners and other similarly placed employees



in a dissimilar way amounts to violation of the petitioners fundamental rights under Article 14 and 16 of the Constitution. Adi Dravidar/ Pazhakudiyinar Munnetra Sangam has filed a writ petition in W.P.No.30657 of 2015 before this Court praying for discontinuation of the daily rated employees in the 4th respondent Board and the same was dismissed on 04.04.2016. Similarly placed persons have filed a petition before this Court in W.P.No.33097 of 2016 seeking the same relief and the same is pending. During the pendency of the petition, six persons were taken by duty with arrears of wages for the period they were out of employment. In the month of July 2021, three more persons were also taken back duty. Hence, the petitioners have filed the present petition seeking to re-engage them in service and for regularisation with all monetary and other service benefits.

4. The learned Additional Government Pleader (Puducherry) appearing for the respondents submitted that the petitioners were engaged on daily rated basis to do the works in the 4th respondent's corporation. During the year 2009-2010, the Engineering Wing/ Survey Wing with staff strength of 8 was newly created in 4th respondent's corporation. Further, the corporation was assigned with various works for issue of free patta to the Adi Dravidar people



by the 3rd respondent. It is pertinent to submit that the Corporation is not having enough funds to run the scheme and hence, the Corporation is forced to disengage such workers. Even then, due to necessity for other purpose, the Corporation, from the year 2016, engaged 24 persons on outsourcing basis. The Corporation has considered and given work to the above stated persons only on necessity and humanitarian grounds. Therefore, the claim of the petitioners for re-engagement in service and for regularisation with all monetary and other service benefits will not arise. Hence, he prayed to dismiss the present petition.

5. On perusal of the records, it reveals that the Corporation is not having enough funds to run the scheme and hence, the Corporation is forced to disengage such workers in service. From the year 2016, the Corporation has engaged 24 persons on outsourcing basis only on humanitarian ground. Therefore, the claim of the petitioners for re-engagement in service and for regularisation with all monetary and other service benefits will not arise. However, it is made clear that if need arises, the 4th respondent Corporation on humanitarian ground, shall reinstate the petitioners.



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6. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

13.11.2024

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Index : Yes / No

Speaking order / Non-speaking order

To

1.Union of India

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Chief Secretariat, Puducherry.

2.The Secretary to Government (Adhidraida

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Government of Puducherry,
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3.The Director,

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