



W.P.No.27391 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

CORAM:

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

W.P.No.27391 of 2022

1. Balakrishnan.P
2. Saravanan.M

... Petitioners

-Vs-

1. The Chairman,
Tamil Nadu Urban Habitat Development Board,
No.5, Kamarajar Salai,
Chepauk,
Chennai – 600 005.
2. The Managing Director,
Tamil Nadu Urban Habitat Development Board,
No.5, Kamarajar Salai, Near Vivekananda House,
Ayothiya Nagar, Triplicane,
Chennai – 600 005.
3. The Chief Engineer,
Tamil Nadu Urban Habitat Development Board,
No.5, Kamarajar Salai, Near Vivekananda House,
Ayothiya Nagar, Triplicane,
Chennai – 600 005.
4. The Secretary,
Tamil Nadu Urban Habitat Development Board,
No.5, Kamarajar Salai, Near Vivekananda House,
Ayothiya Nagar, Triplicane,
Chennai – 600 005.



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5. The Superintending Engineer,
Tsunami Planning Co-ordination and Monitoring Cell,
Tamil Nadu Slum Clearance Board,
Chennai -600 005.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to regularize the services of the petitioners by absorbing them in the permanent post in the light of the long years of services rendered by them and in the light of the Judgment of this Hon'ble Court in W.P.Nos.14782 and 19961 of 2020 dated 03.02.2021 and W.P.No. 7893 of 2021 dated 14.02.2022 with all attendant benefits.

For Petitioners : M/s.G.Keerthana

For Respondents : Mrs.G.Thilagavathi
Senior Counsel
for Mr.S.Karthikeyan
Standing Counsel

ORDER

This writ petition has been filed for direction directing the respondents to regularize the services of the petitioners by absorbing them in the permanent post in the light of the long years of services rendered by them and in the light of the Judgment of this Hon'ble Court in W.P.Nos.14782 and 19961 of 2020 dated 03.02.2021 and W.P.No. 7893 of 2021 dated 14.02.2022 with all attendant benefits.



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

3. The petitioners were appointed in the Tsunami Relief Scheme in various posts viz., Supervisor and Technical Assistant on contract basis. According to the petitioners, they were engaged for the past 12 years under consolidated salary. They are continuously working in the said post without any scale of pay without regularization of their service. In fact, the Revenue Department passed an order in G.O.Ms.No.105 dated 26.02.2016 directing all the offices of the Government undertakings/Public sector undertakings/Boards to take action for absorbing the tsunami temporary employees. Therefore, the petitioner submitted a representation seeking regularization of their service.

4. A perusal of the counter and the learned Senior Counsel appearing for the respondents submitted that the petitioners were not recruited through Employment Exchange or TNPSC. They were engaged through outsourcing agency (ELCOT). That apart, they were not engaged continuously. They were engaged based upon need of work that too on contract basis with fixed salary for the said project. They were engaged for certain special works based on the



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project and they have not been accommodated in any sanctioned posts. The post of Supervisor was re-designated as Junior Engineer as per G.O.Ms.No.333 H and U Development dated 13.05.1981. The selection process to the post of Junior Engineer is by direct recruitment or by promotion from holders of posts in categories 3 and 4. That apart, now almost all the petitioners are not engaged by the respondents and they have been disengaged long back.

5. Therefore, the relief sought for in this writ petition cannot be granted and this writ petition is devoid of merits and is liable to be dismissed.

6. Accordingly, this writ petition stands dismissed. There shall be no order as to costs.

19.03.2024

Internet: Yes

Index : Yes/No

Neutral Citation: Yes/No

Speaking/Non Speaking order
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WEB COPY

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