



WA(MD). No.678 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 17/04/2024

CORAM

The Hon`ble Mr.Justice N.SESHASAYEE
and
The Hon`ble Mr.Justice P.VADAMALAI

WA(MD). No.678 of 2018 and
CMP(MD) No.3828 of 2018

- 1.The Commissioner,
Office of the Welfare of the Differently abled,
Chennai 78
- 2.The District Collector
Sivagangai District
Sivagangai
- 3.The District Welfare Officer of the differently abled,
Office of the Welfare of the differently abled,
Sivagangai District
Sivagangai

... Appellants

Vs

S.Satheeshkumar

... Respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent
against the order dated 06.03.2018 in WP(MD) No.4686/2018.

For Appellants : M/s.A.Baskaran
Additional Government Pleader
For Respondent : Mr.P.R.Boomirajan



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JUDGMENT

WEB COPY (Judgment of the Court was delivered by N.SESHASAYEE, J.)

The respondent herein was employed as a driver on temporary basis in the office of the 3rd respondent and he was terminated from service. Therefore, he applied to the third respondent for his reinstatement and that came to be rejected by the third respondent vide proceedings dated 06.02.2018. This came to be challenged before the learned Single Judge in WP(MD) No.4686/2018.

2. The learned Single Judge appeared to have considered the situation as one involving a summary termination of a temporary employee and proceeded to hold that he is entitled to procedural fairness even if he is to be terminated. This order of the learned Single Judge is now under challenge.

3. The learned Additional Government Pleader submitted that all that the petitioner sought was his reinstatement even while he admitted that he was only temporarily appointed and this prayer of the respondent was rejected. However, the learned Single Judge appeared to have equated



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the situation as one involving summary termination of the respondent.

There is an error apparently on the face of the record since the line of reasonings of the learned Judge does not match the issue before him.

4. Turning to the merits of the case, a temporary employee does not have any vested right to seek his appointment. Necessarily he cannot be granted any remedy. The writ appeal is accordingly allowed. No costs. Consequently connected Miscellaneous Petition is closed.

(N.S.S.,J.) (P.V.M.,J.)
17.04.2024

RR

TO

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