



W.P.No.4343 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.12.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 4343 of 2022
&
W.M.P.Nos. 4460 & 4461 of 2022

P.Ashok Kumar

...Petitioner

Vs.

1.The Chief Electoral Officer and
Principal Secretary to Government,
Public (Elections) Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The State of Tamil Nadu,
Rep. By its Principal Secretary to Government,
Finance Department,
Secretariat, Fort St. George,
Chennai – 600 009.

3.The Election Commission of India
Nirvachan Sadan,
Ashoka Road,
New Delhi – 110 001.

...Respondents



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Prayer: Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the 1st respondent in GO(Rt).No.275, Public (Elections – II) Department dated 28.01.2022 and to quash the same and consequently direct the respondents to continue the service of the petitioner as System Manager on contract basis in the office of Chief Electoral Officer in Public (Elections) Department, with all consequential benefits including arrears of salary.

For Petitioner : Mr. G.Sankaran
Senior Counsel

For Mr. S.Nedunchezhiyan

For Respondents 2: Mr. P.Ganesan
Government Advocate

For Respondents : Mr. Niranjana Rajagopalan
1 & 3

ORDER

The petitioner is a contract employee in the office of the Chief Electoral Officer, since the year 2014 and whose service is being periodically extended he is aggrieved by the fact that the post of



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System Manager which he holds was proposed to be outsourced through State Level Agency (SLA). The facts are briefly set out herein below.

2. The petitioner was appointed as a System Manager in the Public (Elections) Department on contract basis on a consolidated pay of Rs.50,000/- per month on 01.02.2014, by appointment order issued by the 1st respondent dated 20.01.2014. The petitioner had participated in selection to this post through paper advertisement and appearing before the Interview Committee constituted for the said purpose on 17.12.2013. The petitioner who was initially selected for the period of one year and was getting extension every year till 17.02.2021.

3. The petitioner had submitted a representation to the 1st respondent dated 29.12.2020 requesting his service to be extended for a further period of one year. However, the 1st respondent had extended it only for a period of 6 months upto 31.08.2021. The petitioner submitted another representation dated 26.08.2021, before the expiry of contract and the same was not responded to and the petitioner



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continued to work from 01.09.2021.

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4. While so, the petitioner was served with a copy of the Government Order in GO(Rt).No.275, Public (Elections-II) Department dated 28.01.2022, along with a letter from the office of the 1st respondent dated 01.02.2022, wherein it was stated that the Government had decided to outsource the post of System Manager through SLA with remuneration of a sum of Rs.1,00,000/-, per month.

5. The petitioner would submit that the post of System Manager is an essential post created on contract basis for strengthening the IT and IT related works in Public (Elections) Department in the year 2013.

6. The petitioner would submit that the post of System Manager was notified in newspaper for selection with prescription of qualification and method of selection. The petitioner participated in the process and was selected on 01.02.2014 and has been in the same post for the last 8 years. The petitioner would set out the various activities that is expected from System Manager. The petitioner would submit



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that the remuneration paid to him was Rs.75,000/-, whereas, as per the impugned Government order dated 28.01.2022, the remuneration for the said post is fixed as Rs.1,00,000/-.

7. The petitioner would submit that the post of System Manager was sought to be handed over to SLA without any process of tender. He would submit that there are two posts viz.. System Manager and Library Assistant retained by the Public Elections Department. Out of these two posts, the post of System Manager alone is sought to be outsourced, whereas, the other post, i.e., Library Assistant continues on contract basis with the department.

8. A counter affidavit has been filed by respondents 1 and 3 admitting the submission of the petitioner that he had been appointed on contract basis and is continuing in service. These respondents would submit that barring the post of System Manager all other posts have been outsourced by SLA through tender. They would deny the contention of the petitioner that the post of Library Assistant had not been outsourced. These respondents would submit that by order dated



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22.06.2022, the post of Library Assistant was also been outsourced and it is only the post of System Manager, which has been kept pending.

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9. Mr.G.Sankaran, learned Senior Counsel appearing on behalf of the learned counsel for the petitioner would submit that the Election Commission of India by its order dated 22.06.2021 has approved constitution of group of officers for evaluation of IT apps developed in the ECI and States. On 15.02.2018, in GO.(1D).No.58, the Public (Elections-II) Department had instructed the State Government to create and appoint one System Manager in the office of the Chief Electoral Officer, for strengthening the Information Technology and related activities.

10. Through GO.(1D).No.233 dated 04.11.2013, orders were issued for the creation of post of System Manager on contract basis with consolidated pay of Rs.50,000/-, per month in the office of the Chief Electoral Office, Public (Elections) Department. The petitioner was appointed and had joined service on 01.02.2014. In response to the petitioner's representation dated 29.12.2020, the Government by



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GO(D).No.86, dated 23.02.2021, had once again extended the contract upto 31.08.2021 with monthly remuneration of Rs.75,000/-.

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11. The learned Senior Counsel would further submit that even the tender notification which had been issued on 30.11.2020, excluded the post of System Manager, that being the case the impugned notification dated 28.01.2022 in and by which the Government had decided to outsource the post of System Manager through SLA on contract basis is unsustainable.

12. Mr.Niranjan Rajagopalan, learned counsel appearing for respondents 1 and 3 on the other hand would submit that the petitioner had been inducted on the specific understanding that it was only a temporary post and every extension was only for a year. The reason why the tender notification had not included the System Manager was only on account of the fact that elections were to be held in the year 2021. It is only this post which was not outsourced and all other posts in the department has been outsourced. He would further submit that the petitioner cannot seek to be permanently appointed to the said post



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on contract basis annually and sought for the dismissal of the writ petition.

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13. Heard the learned counsels on the either side and perused the records.

14. A reading of the initial appointment of the petitioner in the year 2014 clearly indicates that the petitioner had been appointed for a period of 1 year only on a temporary basis and that too on a consolidated remuneration. The Government has now taken a policy decision to outsource the said post along with other posts and this Court cannot interfere in the policy decision of the Government as the petitioner has not been able to point out any *mala fides* or arbitrariness in such procedure. The petitioner does not have any right over the said post and cannot dictate that the same has to only be on a contract basis as it now exist. The non inclusion of the post of System Manager in the tender notification of the year 2020 has been explained by the learned counsel appearing for respondents 1 and 3.



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15. In view of the above, I see no reason to interfere with the impugned order. Accordingly, this writ petition is dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

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Index : Yes/No
Internet : Yes/No

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To

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