



WEB COPY



W.P.No.21037 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2025

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.21037 of 2016

and

WMP.No.25352 of 2022

B.Jayakumar

...Petitioner

Vs.

1.The Government of Tamilnadu
Rep.by the Principal Secretary to Government
Home, Prohibition and Excise Department
Fort St.George, Chennai 600 009.

2.The Tamilnadu State Marketing Corporation Limited
(TASMAC)
Rep.by its Managing Director
IV Floor, CMDA Tower-II
Egmore, Chennai 600 008.

3.The General Manager
Tamilnadu State Marketing Corporation Limited
Egmore, Chennai 600 008.

4.The Additional Director of Ex-Servicemen's
Welfare and Resettlement
Chennai 600 005.

...Respondents



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Prayer: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the second respondent in Rc.No.M1/22090/2013 dated 06.04.2016 and quash the same and direct the respondents [2] and [3] to reinstate the petitioner in service in the 2nd respondent Corporation and grant the petitioner all consequential benefits.

For Petitioner : Mr.S.Shinu

For Respondents : Mr.V.Nanmaran for R1
Additional Government Pleader

Mr.K.Sathish Kumar for R2 & R3
Standing Counsel

ORDER

The challenge in this writ petition is to the impugned order in R.C.No.M1/22090/2013 dated 06.04.2016 passed by the second respondent, by which the petitioner's claim for regular appointment in TASMACH came to be rejected.

2. The petitioner, an ex-serviceman, was appointed as a Jawan in the Vigilance Team of TASMACH on a consolidated pay of ₹6,000/- per month vide order dated 15.09.2004. Admittedly, the petitioner worked from 08.06.2004 till May 2013. According to the petitioner, he could not attend duty thereafter due to ill health, namely gangrene of the left great toe. After undergoing treatment



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and recovery, he submitted a representation dated 11.12.2013 seeking

permission to resume duty. As the said representation was not considered, the petitioner submitted another representation dated 17.11.2015. The latter representation was considered and rejected by the second respondent through the impugned order.

3. Assailing the same, Mr.S.Shinu, learned counsel for the petitioner, submitted that the petitioner had worked for nearly ten years in TASMAC and that refusal to permit him to resume duty is arbitrary, discriminatory, and violative of the principles of natural justice. He further contended that, having rendered nearly ten years of service, the petitioner is entitled to permanent status and, therefore, the impugned order is legally unsustainable.

4. Per contra, the learned State Counsel appearing for the respondents submitted that the petitioner and other similarly placed persons were appointed purely on a contractual basis pursuant to an agreement. Having abandoned service, the petitioner cannot claim resumption of duty or regular appointment as a matter of right. It was further submitted that similarly situated persons had approached this Court in W.P.No.965 of 2020, wherein the challenge to their discharge from service was rejected. In the absence of any statutory right, the petitioner's claim for permanent status is untenable.



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5. The submissions of the learned counsel on either side and the materials placed on record have been carefully considered.

6. Admittedly, the petitioner worked only till May 2013 and thereafter abandoned duty without informing the respondents, albeit claiming ill health. Even according to the petitioner, the first representation was submitted on 11.12.2013, i.e., after more than seven months from the date he stopped attending duty. Thereafter, he remained silent and submitted another representation only on 17.11.2015 seeking regular appointment. Grant of regular appointment is not a vested right, and in the absence of any statutory rules providing for such regularisation, the petitioner's claim is untenable.

7. It is also relevant to note that similarly situated persons appointed under the very same contractual arrangement approached this Court in W.P.No.965 of 2020 challenging their discharge upon expiry of the contract. This Court, by order dated 20.01.2020, dismissed the writ petition holding that employment purely on a contractual basis cannot be subjected to judicial review unless the termination is shown to be *mala fide*, arbitrary, irrational, or unreasonable. A similar view has been taken by this Court in W.P.(MD) No.1048 of 2020 and batch.



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8. In the light of the above, and in the absence of any statutory right enabling the petitioner to claim regular appointment, the impugned order does not suffer from any infirmity or illegality.

9. Accordingly, the writ petition stands dismissed. Consequently, the connected Miscellaneous Petition is dismissed. There shall be no order as to costs.

16.12.2025

Index : Yes/No
Speaking order : Yes/No
dna

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HEMANT CHANDANGOUDAR.J.,

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