



WEB COPY

WP No. 39278 of 2015



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-03-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 39278 of 2015

P.Ramachandran

Petitioner(s)

Vs

1. Union of India
rep. by the Assistant Superintendent of
Post Offices, Aruppukottai Sub
Division, Aruppukottai 626 101

2.The Senior Superintendent of
Post Offices, Virudhunagar Division,
Virudhunagar

3.The Presiding Officer
Central Government Industrial Tribunal
Cum Labour Court, Chennai-600 006

Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for records of the 3rd respondent Tribunal cum Labour Court which is made in I.D.No.12 of 2014 dated 17.02.2015 and quash the same, consequent to direct the respondents 1 & 2 to reinstate the petitioner into service with all consequential benefits.



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For Petitioner(s): M/s.R.Malaichamy

For Respondent(s): M/s.T.L.Thirumalaisamy for R1
and R2
R3 - Tribunal

ORDER

This writ petition has been filed seeking to quash the order passed by the 3rd respondent in I.D.No.12 of 2014 dated 17.02.2015 and to consequently direct the respondents 1 & 2 to reinstate the petitioner into service with all consequential benefits.

2. The short point to be considered in this writ petition is whether a temporary employee could seek employment as against the sanctioned post when his services were utilised only when a need arose.

3. Necessary facts are as follows :

The petitioner was engaged as Extra-Departmental Agent (EDA) by the Postal Department in the year 1996. When a regular Branch post master was promoted as postman. The petitioner was engaged as branch postmaster for two

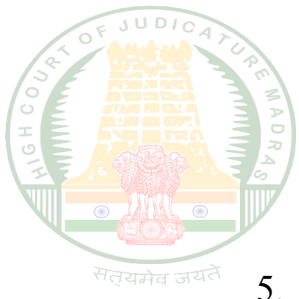


months. It is the case of the petitioner that he was working for more than 240 days. According to the petitioner, he was denied work from 06.05.2011.

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Questioning the denial of his employment as a permanent staff in the postal department, the petitioner raised an Industrial Dispute. As conciliation efforts failed, the matter was referred to Central Government Industrial Tribunal cum Labour Court, Chennai which was taken on file as I.D.No.12 of 2014.

4. On an analysis of oral and documentary evidence adduced by both sides, the Industrial Tribunal rejected the case to be forwarded by the petitioner that he should have been made a permanent employee of the postal department by observing that the petitioner was only an outsider. On the last occasion his services were engaged only for three days prior to that he was working only for 22 days. The Labour Court therefore, held that the petitioner cannot claim any right for permanent employment in the postal department. Since the issue involved in this writ petition lies on a narrow compass, this Court is not inclined to go into the contentions raised by the learned counsel for the petitioner and the learned counsel for the respondents 1 and 2.



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5. The Hon'ble Supreme Court in the case of *Secretary, State of Karnataka and ors. Vs. Umadevi and ors.* reported in *AIR 2006 SC 1806* has held that all sanctioned post should be held up only by calling for applications and after holding upon competitions. This Court does not find any error or illegality in the order passed by the Industrial Tribunal warranting interference and the writ petition is dismissed. No costs.

14-03-2025

RAP

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
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1. The Assistant Superintendent of Post
Offices

The Union of India
Aruppukottai Sub Division,
Aruppukottai 626 101

2. The Senior Superintendent of
Post Offices, Virudhunagar Division,
Virudhunagar

3. The Presiding Officer
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Cum Labour Court, Chennai-6



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M.DHANDAPANI J.

RAP

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