



W.P.No.19889 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN

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and W.M.P.No.22438 of 2025

- 1.Union of India.
Rep. by its Secretary to Government,
Ministry of Health and Family Welfare,
Nirman Bhavan,
New Delhi-110 011.
- 2.The Secretary,
Department of Health Research,
Ministry of Health and Family Welfare,
New Delhi-110 011.
- 3.Director General,
The Indian Council of Medical Research,
Department of Health Research,
Ansari Nagar,
New Delhi-110 029.
- 4.The Director,
Vector Control Research Centre (VCRC),
Medical Complex, Indira Nagar,
Puducherry-605 006.
- 5.The Administrative Officer I/C,



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Vector Control Research Centre (VCRC),
Medical Complex, Indira Nagar,
Puducherry-605 006.

... Petitioners

Vs.

R.Vinayagam

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, calling for the records from the Central Administrative Tribunal, Chennai, relating to its order dated 25.11.2024 in O.A.No.310/00037/2021 and quash the same as illegal, arbitrary, without jurisdiction.

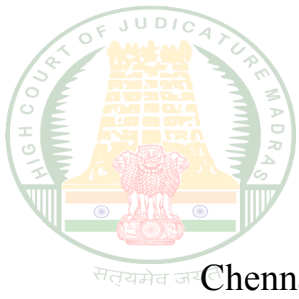
For Petitioner : Mr.K.Srinivasa Murthy

ORDER

(Order of the Court was made by *M.S.RAMESH, J.*)

Heard Mr.K.Srinivasa Murthy, learned counsel for the petitioners. In view of the final order to be passed in this Writ Petition, no prejudice would be caused to the respondent and hence, notice to the respondent is dispensed with.

2. The common order of the Central Administrative Tribunal,

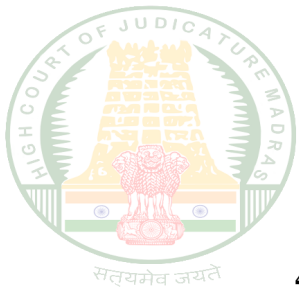


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Chennai Bench (hereinafter referred to as 'the Tribunal'), dated 25.11.2024,
is assailed in this Writ Petition.

3. The respondent was appointed on 21.12.2015 as Staff Car Driver (Ordinary Grade) on contract and consolidated basis with a salary of Rs.16,571/- per month, after he had successfully passed the skill test, interview and medical test. His service was periodically extended thereafter. On 31.12.2020, the 4th petitioner herein had terminated the services of the respondent by informing that, as per ICMR's directions, the engagement of a Driver should be hired on contract basis at consolidated salary through outsourcing and his services is no longer required beyond 31.01.2021. When the respondent had challenged the termination order dated 31.12.2020 before the Tribunal, his claim came to be partly-allowed, by holding that there are no specific directions of ICMR for terminating his services, especially when the centre had 21 vehicles and no sufficient Drivers. It was further held that the petitioners herein shall engage the respondent on contract basis, as per the terms and conditions of their earlier orders of engagement, till regular appointments are made.



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4. The short issue that arises in this Writ Petition is as to whether the petitioners herein were justified in disengaging the services of the respondent herein. Earlier when the 4th petitioner herein had sought for orders from the 3rd petitioner herein for regularization of the services of the respondent, along with another Staff Driver, their request was rejected by the 3rd petitioner on 27.09.2018, by stating that there was a ban on recruitment of Staff Car Drivers and therefore, the services may not be regularized. It was also pointed that the proposal of the 4th petitioner herein to recruit 10 Drivers was also rejected, by holding that there is ban on recruitment of Staff Car Drivers. This apart, the letter also stated that if the engagement of a Driver is necessary, in that case, the services of a Driver may be hired on contractual basis with consolidated salary, through outsourcing. Apart from the aforesaid directions, there was no specific directions for disengaging the services of the respondent herein.

5. We find from the order of the Tribunal that in view of shortage of Drivers for 21 vehicles in the 4th petitioner Centre, a request was made for recruitment of 10 Drivers, apart from regularizing the services of 3 Drivers, including the respondent herein. When that being the case and



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also in view of the ban on recruitment of Staff Car Drivers, we fail to understand as to why the services of the respondent should be disengaged.

6. The Tribunal had placed reliance on the decision of the Hon'ble Supreme Court in the case of '*State of Haryana and others Vs. Piara Singh and others*' reported in '*(1992) 4 SCC 118*' for the proposition that, till a regular employee is recruited, the services of the ad-hoc employee should be continued and he can be replaced only by another regular employee. In the absence of any specific directions of the 3rd petitioner to disengage the services of the respondent herein and also by taking into account that the 4th petitioner Centre is in dire need of Drivers and will not be in a position to recruit the regular Drivers, in view of the ban on recruitment, we hereby hold that the Tribunal had properly appreciated the facts of the cases and set aside the order of termination of the respondent herein. We also uphold the direction of the Tribunal to engage the respondent on contractual basis, as per the terms and conditions of their earlier orders of engagement, till regular appointments are made.



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7. In this background, we find that there are no valid reasons to interfere with the order of the Tribunal and accordingly, this Writ Petition stands dismissed. No costs. Connected miscellaneous petition is closed.

[M.S.R, J.]

[V.L.N, J.]

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Index: Yes
Speaking order
Neutral Citation: Yes

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