

WP(MD)No.21223 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.21223 of 2021

and

WMP(MD)Nos.17805, 17807 and 17808 of 2021

1.R.Muruganantham
2.R.Ravichandran
3.M.Kandasamy
4.M.Palpandi
5.B.Gnaneswaran

... Petitioners

Vs

1.The Commissioner,
Madurai Corporation,
Tallakulam,
Madurai – 625 002.

2.The General Manager,
Tamil Nadu Ex-Servicemen's Corporation Ltd,
(TEXCO) Govt of Tamil Nadu Undertaking)
No.2, West Mada Street, Srinagar Colony,
Saidapet,
Chennai - 600 015.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus calling for the records relating to the impugned order of the 1st respondent in Ma.Ni. 9/017251/2021, dated 03.11.2021 insofar as the petitioners are concerned



WP(MD)No.21223 of 2021

and quash the same and consequently direct the respondents to allow the petitioners to continue in their respective posts.

For Petitioners : Mr.S.Ramsundarvijayaraj

For Respondents : Mr.K.K.Kannan,

ORDER

The petitioners herein have been engaged by the 1st respondent Corporation through the 2nd respondent Tamil Nadu Ex-Servicemen's Corporation Ltd. The petitioners have filed this writ petition challenging the communication of the 1st respondent dated 03.11.2021. By the impugned communication these petitioners along with three others were directed to be relieved that their services are not required anymore for the Corporation.

2.The learned Counsel for the petitioners by relying on the order dated 22.06.2006 passed by this Court in WP(MD) No.2875 of 2006 and the order dated 25.04.2007 passed by the Division Bench in WA.No.320 of 2006 submits that similar order of the Corporation passed in the year 2006 was challenged by the employees before this Court, it was allowed and the writ appeal filed by the Corporation was dismissed.



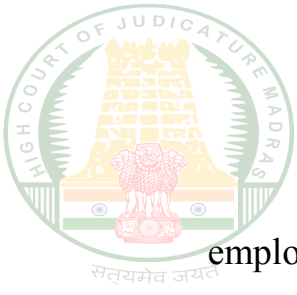
WP(MD)No.21223 of 2021

Therefore, according to the learned Counsel for the petitioners, the petitioners are also entitled for the relief as per the orders of this Court in passed in WP(MD) No.2875 of 2006 and as confirmed by the Division Bench in WA.No.320 of 2006.

3.The learned Counsel for the respondent Corporation submits that these petitioners are employees of the 2nd respondent and their services have been availed as per the government order in GO.Ms.No.1740 dated 05.11.2007 and GO.Ms.No.1115 dated 25.09.2015. These government orders enable the Corporation to engage services through outsourcing on contract basis. Accordingly, the services of the petitioners have been availed through the 2nd respondent TEXCO. The contract is between 1st respondent and the 2nd respondent and not against these petitioners.

4.This Court considered the rival submissions made.

5.Admittedly, the petitioners services were engaged by the 1st respondent corporation through the 2nd respondent. The petitioners cannot claim it as a matter of right that they can ever continue to be the



WP(MD)No.21223 of 2021

employees of the Corporation. It is only on outsourcing method, the corporation has engaged the services of the petitioners through the 2nd respondent for certain works and therefore, these petitioners / the employees of the 2nd second respondent cannot maintain this writ petition. If these petitioners are having any grievance, they can work out the remedy with the 2nd second respondent. Accordingly this writ petition is dismissed. No costs. Consequently connected miscellaneous petitions are closed.

06.01.2025

DSK

To

- 1.The Secretary,
Department of School Education,
Fort St. George,
Chennai – 600 009.
- 2.The Director of School Education,
College Road,
Chennai – 600 009.
- 3.The Chief Educational Officer,
Kanyakumari District at Nagercoil,
Kanyakumari District.
- 4.The District Educational Officer,
Nagercoil,
Kanyakumari District.



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WP(MD)No.21223 of 2021

B.PUGALENDHI.J.,

DSK

WP(MD)No.21223 of 2021

06.01.2025