

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2014

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.8697 of 2011 and M.P.No.2 of 2011

N.ANBALAGAN
S/O. LATE P.NARASIMHAN
WATCHMAN (UZHAVAR SANDHAI)
PALAYATHALUR MADHEMANGALAM POST
LALIGAM (VIA.) DHARMAPURI. PETITIONER

Vs.

- 1 THE DEPUTY DIRECTOR OF
AGRICULTURE (AGRICULTURE MARKETING)
DHARMAPURI.
- 2 THE SECRETARY
MARKETING COMMITTEE DHARMAPURI.
- 3 THE SECRETARY TO GOVERNMENT
AGRICULTURE DEPARTMENT CHENNAI-9. RESPONDENTS

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari Mandamus, calling for the records of the 2nd respondent relating to Na.Ka.No. Mu.Aa/5442/10 dated 02.11.2010 to quash the same in so far as it relates to the petitioner and issue of consequential directions to the respondents to reinstate and regularize the services of the petitioner as Watchman in the Market Committee, Dharmapuri from 21.11.2000 and absorb him in regular establishment in any suitable post in the Committee.

For Petitioner : Mr.R.Thamaraiselvan
For Respondents : Mr.R.Lakshminarayanan
AGP

O R D E R

The petitioner herein has been appointed as Watchman for Uzhavar Sandhai in and by proceedings of the respondent No.2, dated 18.12.2000. The appointment has been made subject to the following conditions:

- '1 The appointment is purely temporary
- 2 The appointment will be terminated without any notice
- 3 The persons will not eligible for any rights in future since the appointment is made on consolidated basis."

Accepting such conditions, petitioner joined service on 18.12.2000. Thereafter, the Government have raised the consolidated pay of the Watchman and Sweeper of the Uzhavar Santhai from Rs.1500/- to Rs.3000/-. The respondent No.2 issued orders to disburse the consolidated pay of Watchman and Sweeper of Uzhavar Santhai including National Security Service, Jarugu as per the proceedings, dated 2.11.2010. By the impugned communication, the respondent No.2 has informed the Executive Officer of Uzhavar Santhai about the proceedings of the Government and the appointment made through the National Security Service, Jarugu. Now, the petitioner has come forward to file the present writ petition challenging the said communication and for consequential direction.

2 The above said fact clearly shows that the petitioner does not have vested right as the appointment itself is temporary and on the consolidated basis. Therefore, this Court does not find any merit in the writ petition.

Accordingly, the writ petition is dismissed. No costs. Consequently, connected M.P.No.2 of 2011 is also dismissed.

Sd/-

Deputy Registrar[J]

DT/-11.11.2014

/true copy/

Sub Asst. Registrar.

vaan

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To

1 THE DEPUTY DIRECTOR OF
AGRICULTURE (AGRICULTURE MARKETING)
DHARMAPURI.

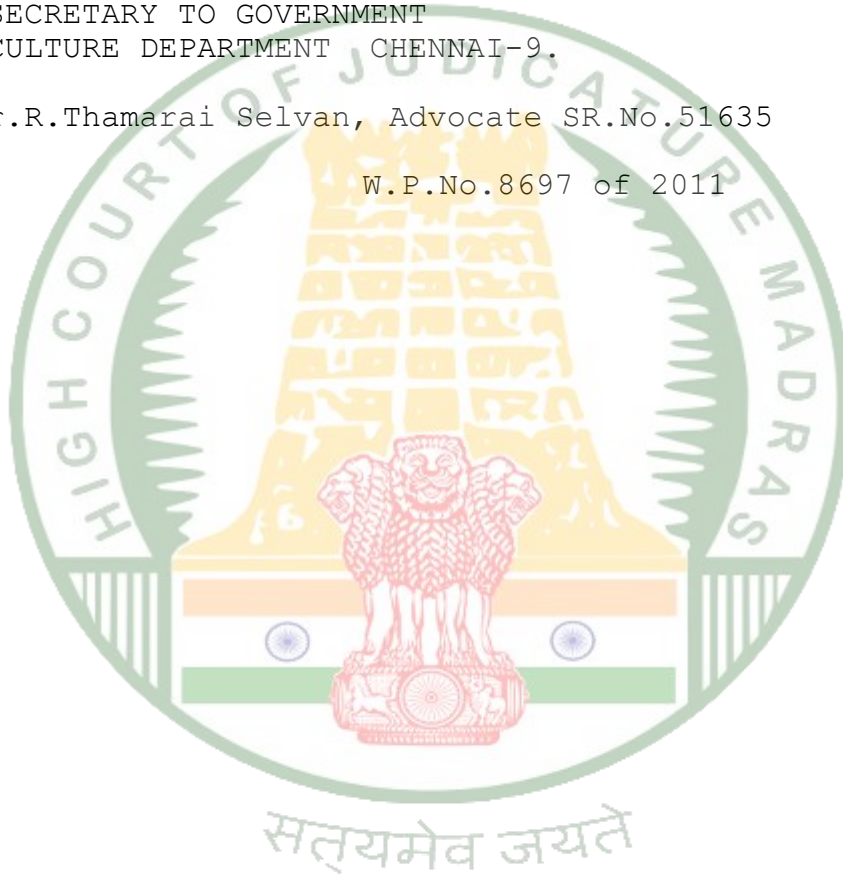
2 THE SECRETARY
MARKETING COMMITTEE DHARMAPURI.

3 THE SECRETARY TO GOVERNMENT
AGRICULTURE DEPARTMENT CHENNAI-9.

+1cc to Mr.R.Thamarai Selvan, Advocate SR.No.51635

W.P.No.8697 of 2011

BKY[co]
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