

(2012) 02 MAD CK 0040

In the Madras High Court

Case No : Writ Petition No. 48425 of 2006 (O.A.4926 of 2001)

G. Kannammal

APPELLANT

Vs

The District Collector Dharmapuri District Dharmapuri and
The Commissioner Harur Panchayat Union Dharmapuri

RESPONDENT

Date of Decision : 16-02-2012

Acts Referred:

Citation : (2012) 02 MAD CK 0040

Hon'ble Judges : Vinod K. Sharma, J

Bench : Single Bench

Advocate : V. Sudhakar, for the Appellant; R. Ravichandran Addl. Govt. Pleader,
For R1 and Mr. S. Thanga Raja, For R2, for the Respondent

Final Decision : Dismissed

Judgement

Honourable Mr. Justice Vinod K. Sharma

1. The petitioner has approached this Court with a prayer for issuance of a writ in the nature of Certiorari, to challenge the order of respondent in

terminating the service of the petitioner as null and void, arbitrary, unconstitutional with consequential relief of reinstatement with all consequential

benefits. However, the petitioner has not laid any foundation to challenge the order of termination. Nor the impugned order is placed on record, in

pursuance to the liberty given to the petitioner to amend the prayer clause, but the petitioner, while amending the prayer, did not amend the

pleadings to challenge the order of termination.

2. It is pleaded that the petitioner was appointed as Noon Meal Assistant at Noon Meal Centre on daily wage basis on 20.10.1999. The case of

the petitioner is that he continued in working at the post and on the apprehension that the District Collector, was taking steps to fill up post of

Assistant by appointing surplus employees from other schemes. The petitioner, therefore, is entitled to regularization of her service for having worked for four years.

3. The writ petition is opposed on the ground that the petitioner is no longer in service, as her services were terminated in terms of her appointment letter on 30.04.2003.

4. At the time of admission of this writ petition, learned Tamilnadu Administrative Tribunal had directed to consider the case of the petitioner

against available vacancies. In pursuance to the interim order passed, the petitioner failed to make any representation to the respondents.

5. It is not in dispute that the petitioner is not in employment as on date. The right of regularization is not dependent on the service rendered, but is

governed by instructions or rules, governing regularization of service by fulfilling the condition laid down.

6. The Hon"ble Supreme Court has laid down that no employee has right to be regularized in service to defeat the right of other eligible persons.

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7. In the case in hand, the petitioner has not placed any rule or instructions on record, under which she could claim regularization of service besides

the fact that the petitioner is no longer in service to claim regularization.

8. Similarly the petitioner"s challenge to termination is misconceived, as in the pleadings, the petitioner has submitted that she is still in service, and

furthermore, nothing has been placed on record to show whether termination of service was in terms of letter of appointment, nor there is any

pleading or ground raised as to how the order of termination was bad. In absence of pleadings, no relief can be granted. No merits. Dismissed. No

costs.