

WP(MD).10763 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 18.03.2025

PRONOUNCED ON : 07.04.2025

CORAM:

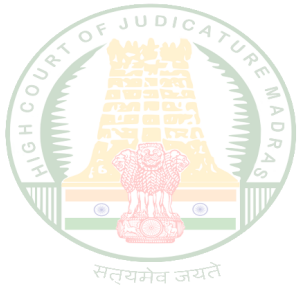
THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

WP(MD)No.10763 of 2021

and

W.M.P.(MD)No.8386 and 8387 of 2021

- 1.M.Maheshwaran,
S/o. R. Muruganantham,
63, Ramavarma Nagar,
K. Pudur,
Madurai District.
- 2.K.Bharath,
S/o.M.Karuppusamy,
Paravaimeenatchi Mill,
Near Annanagar Paravai,
Shamayanallur,
Madurai.
- 3.S.Shanthaprasath,
S/o.M.Santhakumar,
Lingappanayakkanoor,
Thimmanatham Post,
Usilampatti Taluk, Madurai District.
- 4.P.Saravanan,
S/o.K.Pandiyan,
Ayyampatti,
Chekkanurani,
Tirumangalam Taluk,
Madurai District.



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5.B.Ashokrajaj,
S/o.K.Balan,
37/3, Mohammedzhapuram,
Ashok Nagar,
Thirumangalam, Madurai District.

6.Y.Ilamparithi,
S/o.M.Yokkiam,
Lingappanayakkanoor,
Thimmanathm post,
Usilampatti Taluk,
Madurai District.

7.P Deepan,
S/o.T.Pandiyaraj,
Railway Feeder Road 3rd Street,
Usilampatti,
Madurai District.

8.M.Vijayan,
S/o.M.Manaraja,
Lingappanayakkanoor,
Thimmanathm post,
Usilampatti Taluk,
Madurai District.

9.M.Malaisamy,
S/o.R.Markkandan,
Lingappanayakkanoor,
Thimmanathm post,
Usilampatti Taluk,
Madurai District.



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- 10.B.Arun Raj,
S/o.K.Balan,
63, P.T.Rajan Street,
Tirumangalam,
Tirumangalam Taluk,
Madurai District.
- 11.P.Jeya Kreshna,
S/o.N.Pechi,
Thadayampatti,
Peraiyur Taluk,
Madurai District.
- 12.M.Karthieeshwaran,
S/o.M.Magarajan,
3/9, Ashari Street,
Nagamalaipudukottai,
Madurai District.
- 13.M.Ravi Varma,
S/o.M.Muthuvel,
405, Karpaka Nagar,
13th Street,
K.Pudur,
Madurai District.
- 14.R.Muthuvel,
S/o.S.V.Ramasundar,
38A/466,
Aasarithoppu,
Velu Compound Gandhi Nagar Post,
Madurai -20.



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- 15.P.Ananth,
S/o.K.Murugan,
Dhanalatchmiillam,
Keelavaithianathapuram,
Thathaneri Main Road,
Madurai District.
- 16.M.Muralidharan,
S/o.M.Muniyasamy,
464, East Street,
Karumpalai,
Madurai - 20.
- 17.R.Manimaran,
S/o.S.Raman,
268, Sathiyavani Muthu Nagar,
Karumpalai,
Madurai - 20.
- 18.P.Muthukumar,
S/o.C.Pitchai,
No.125/4, West Street,
Boothamangalam,
Melur,
Madurai.
- 19.P.Sathesh,
S/o.K.Pandian,
D.No.39,
Panai Metu Street,
Keelavaithiyanathapuram,
Thathaneri,
Madurai - 18.



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20.K.Ganesan,
S/o.N.Karuthakannan,
No.3/23, Vayil Vanthapuram,
T. Arasapatti,
Tirumangalam Taluk,
Madurai District.

21.S.P.Subash,
S/o. S. Paramasivam,
7D, East Steet,
Ponmeni, Maduria 16.

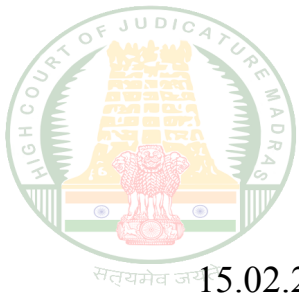
Petitioner

Vs

1. The Chairman & Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Chennai – 10.
2. The General Manager (Administration),
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Chennai – 10.
3. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Kurivikaransalai,
Madurai District.

Respondents

Prayer:- This Writ Petition has been filed, under the Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 2nd Respondent in his proceedings Na.Ka.No.AE2/22243/2020 dated



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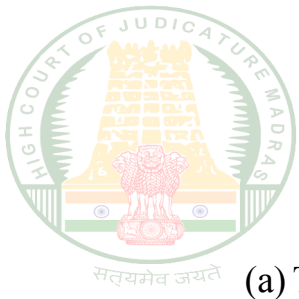
15.02.2021 and quash the same as illegal and arbitrary and consequently directing the Respondents to reinstate the Petitioners in the post of Seasonal Watch Man with back wages and all attendant and other benefits.

For Petitioners : Mr.D.Kirubakaran
For M/s.B.Saravanan Associates

For Respondents : Mr.G.Mohankumar
Standing Counsel

ORDER

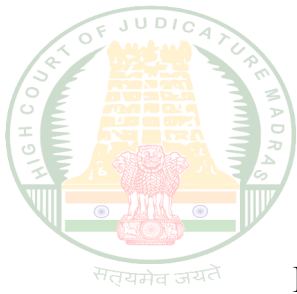
1. This Writ Petition has been filed, under the Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 2nd Respondent in his proceedings Na.Ka.No.AE2/22243/2020 dated 15.02.2021 and quash the same as illegal and arbitrary and consequently directing the Respondents to reinstate the Petitioners in the post of Seasonal Watch Man with back wages and all attendant and other benefits.
2. The facts of case, in a nutshell, led to filing of this Writ Petition and necessary for disposal of same, are as follows:-



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(a) The 3rd Respondent invited applications from eligible candidates through a public notice dated 23.11.2018 in the newspaper for appointment to the posts of Seasonal Bill Clerk, Seasonal Helper, and Seasonal Watchman. Accordingly, the Petitioners submitted applications and selected to the posts of Seasonal Watch Man and joined the service for the season 2018-2019, as per the proceedings passed by the 3rd Respondent dated 28.02.2019. Since the season for the year 2018-2019 had ended, the 3rd Respondent, through proceedings dated 15.04.2019, relieved the Petitioners from service due to the stoppage of paddy inflow.

(b) As per the terms of settlement between the Respondent Corporation and the trade union, arrived at before the Labour Commissioner, Chennai dated 30.01.1997, it was agreed that the qualified seasonal employees who are initially recruited through employment change will be given preference relaxing only age qualification without relaxing any other qualification. The said settlement is still in force and the seasonal employees recruited to the respondent Corporation are given preference in employment during the next season. The

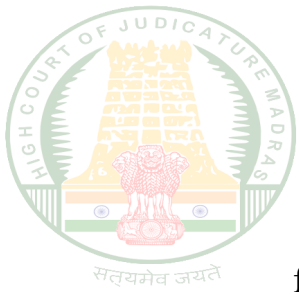


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Petitioners were under the bonafide impression that during the next season that is 2019-2020, their services would be utilized by the respondent Corporation based on the order dated 28.02.2019.

(c) In the meanwhile, the 1st Respondent by his order dated 31.01.2020 had directed the Tirunelveli and Thoothukudi Zonal Office of the Respondent Corporation to relieve as many as 20 and 17 Seasonal Bill Clerk to the Office of the 3rd Respondent as the Seasonal Bill Clerks are not available at Madurai region for the purchase season 2019-2020. The fact remains that already the Seasonal Bill Clerks were appointed when the Petitioners were recruited pursuant to the recruitment notification dated 23.11.2018 and for the reasons best known to the Respondents, the service of the Petitioners in the post of Seasonal Watch Man was not utilized by the Respondent Corporation and the reasons for the same was also not intimated to the Petitioners.

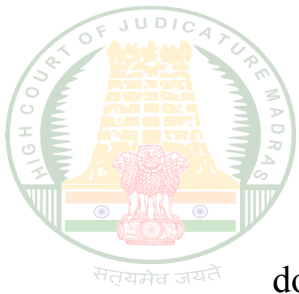
(d) The 2nd Respondent, through the impugned order dated 15.02.2021, terminated the service of the Petitioners, stating that the appointment of the Petitioners as Seasonal Employees vide proceedings Na.Ka.No. E2/7529/2018 dated 28.02.2019 was made without



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following the guidelines and due procedure. Consequently, the Respondents cancelled the appointments and proposed to conduct a fresh selection process, making new appointments in accordance with the relevant guidelines. Aggrieved by the Respondents' actions, the Petitioners have filed the present writ petition.

3. Heard Mr.D.Kirubakaran, learned counsel for M/s.B.Saravanan Associates, appearing for the Petitioners and Mr.G.Mohankumar, learned Standing Counsel for the Respondents.
4. The learned counsel for the Petitioners submits that the Petitioners were appointed in the open market and had worked in the said post for the season 2018-2019. According to the Petitioners, once an employee is selected and appointed as Seasonal Employee, they will be engaged during the successive seasons also. However, during the next season, the Petitioners were not engaged and Seasonal Bill Clerks were deployed from other zones to Madurai Region. He further submits that even if the appointment of the Petitioners were to be cancelled for any reason, the respondent corporation could not have



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done so unilaterally without affording the Petitioners an opportunity of hearing and without conducting an enquiry. Since the Petitioners were employed through the open market, their appointment could not be cancelled, as they had accrued the right to continue with that employment. Therefore, the learned counsel prays this Court to set aside the impugned order and allow the Writ Petition. The learned counsel further submits that the appointment of the Petitioners was terminated on grounds of non-compliance with guidelines. However, the Petitioners were not at fault. The responsibility for the irregularities lies with the selection authorities, who have committed errors in the recruitment process for the year 2018-2019. Consequently, departmental proceedings have been initiated against the concerned officials.

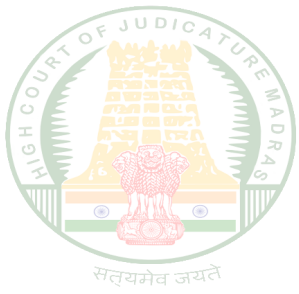
5. Per contra, Mr.G.Mohan Kumar, learned Standing Counsel for the Respondents submits that the Petitioners were engaged as temporary Seasonal employees such as Watch Man on consolidated payment, to do the seasonal work of purchased paddy from the farmers in the Direct Purchase Centers. After the orders passed by the 2nd



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Respondent dated 15.03.2021, the petitioners have not opted to challenge the said order. It is an admitted fact that the Petitioners were engaged as a temporary seasonal employee for a particular season. After the season was over, the Petitioners were ousted from service through the order dated 15.03.2021 passed by the 2nd Respondent, However, the same was not put to challenge. Therefore, there is no question of reinstating the Petitioners in service that too with back wages and attendance benefits, as they are not permanent employees. He further submits that the Petitioners herein participated in the 2019 seasonal employee's selection process by submitting their application under open competition and their names were not sponsored by the employment exchange. Similarly placed persons filed a batch of writ petitions which were disposed by a common order dated 22.12.2021, with an observation that the seasonal employees can be selected only through oral and written examinations. However, this Court had directed the authorities to grant age relaxation wherever required. For better appreciation, it is relevant to extract the order dated 22.12.2021 passed in W.P.(MD)No. 21167 of 2021, which is as follows:



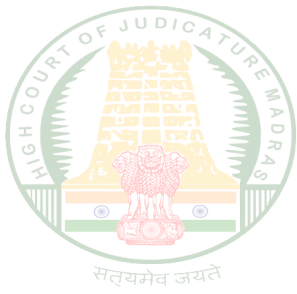
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“12. According to the respondent Corporation, the selection committee of the year 2018-2019 without following the guidelines issued in the Manual on Paddy Procurement, have made appointments. Therefore, disciplinary proceedings were initiated against three persons of the selection committee and they were imposed with punishment and as against others enquiry is pending. Since it is a recruitment for a particular season, they have been discharged from services by the orders impugned in the writ petitions. However, the petitioners have been provided with training for few days during their employment. The petitioners have worked in four seasons. The learned standing Counsel for the Corporation submits that there is no impediment for the petitioners to take part in the ongoing recruitment process. Therefore, these writ petitions are disposed of with the following directions:

i. Since it is submitted that the petitioners have not made any application in view of the pendency of these writ petitions, the



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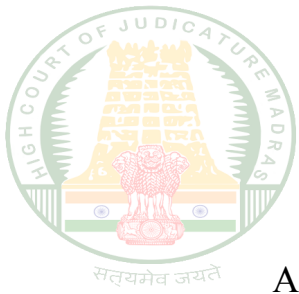
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respondents shall permit the petitioners to take part in the ongoing recruitment process by accepting the applications to be submitted by them on or before 28.12.2021 and the petitioners shall submit their applications as above;

ii.The petitioners shall be considered independently without being influenced with regard to the selection process of the year 2018 – 2019;

iii.As it is submitted that the petitioners in W.P(MD)Nos.21167 and 22836 of 2021 have crossed the prescribed age limit, their cases may also be considered by relaxing the age limit, since they have experience of working in four seasons and had undergone training for some days;”

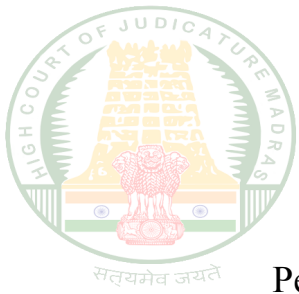
6. I have given my careful and anxious consideration to the contentions put forward by the learned counsel on either side and also perused the entire materials available on record.
7. Admittedly, the petitioners were recruited as Seasonal Watch Man for the purpose of paddy procurement by the Civil Supplies Corporation.



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According to the Respondent Corporation, the selection committee of the year 2018-2019 without following the guidelines have made appointments. Therefore, disciplinary proceedings were initiated against the erring officials who have committed errors in the recruitment process for the year 2018-2019. Since it is a recruitment for a particular season, the Petitioners have been discharged from service by the order impugned in the writ petition.

8. Notwithstanding the cancellation of the initial appointment, the petitioners have the right to participate in future recruitment process. The termination order does not preclude the Petitioners from applying for new positions or being considered in future recruitment process. The Respondent acknowledges that the Petitioners appointment was made in violation of the established recruitment procedure and the guidelines. The aforementioned irregularity resulted in the termination of the Petitioners employment. However, it is evident that the Petitioners are not at fault for the irregularities in the selection process and should not be penalized for the errors made by the selection committee. The termination should not adversely affect the

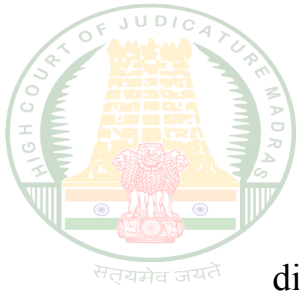


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Petitioners' reputation, as the responsibility for the irregularities lies with the authorities.

9. Accordingly, this Court is of the view that the Petitioners should be allowed to participate in the forthcoming recruitment process for selection as a seasonal employee, if any. Considering the petitioners' prior experience as a seasonal employee, it is reasonable to grant an age relaxation for the forthcoming selection process. The experience acquired by the petitioners during their previous tenure as a seasonal employee be taken into consideration while deciding the relaxation of age limit. This Court hereby directs the Respondents to permit the Petitioners to participate in the future recruitment process, with the possibility of relaxing the age limit in view of the Petitioners' prior experience and service during the previous season.

10. In view of the above, the Petitioners are hereby granted an opportunity to apply for the forthcoming recruitment process and shall be considered independently, with due regard to their previous experience and eligibility for age relaxation. The Respondents are



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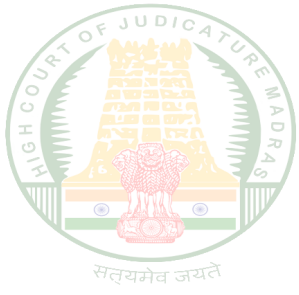
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directed to conduct the future recruitment process in a fair, transparent manner, and in accordance with the guidelines, rules and regulations. It is further clarified that, as a seasonal worker, the Petitioners shall not be entitled to claim any arrears of monetary benefits.

11. With the above observations, this Writ Petition is **disposed of**. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

07.04.2025

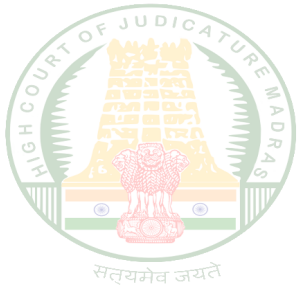
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Internet:yes/no
Nsr



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WEB COPY To:

1. The Chairman & Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Chennai – 10.
2. The General Manager (Administration),
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road,
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3. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Kurivikaransalai,
Madurai District.



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SHAMIM AHMED, J.

Nsr

Pre-Delivery Order in
WP(MD)No.10763 of 2021

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