

No. A.12016/2/2018/DPAR/GC/U.III
GOVERNMENT OF PUDUCHERRY
DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS
(PERSONNEL WING)

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Puducherry, dated 23.02.2018

I.D. NOTE

Sub: Public Services – Prevention of illegal or irregular appointments in violation of Recruitment Rules – Instructions – Issued. Reg.

Ref: Order dated 22.11.2017 in W.P.No.24492/2010 of the High Court of Judicature at Madras.

A copy of the order cited on the subject mentioned above is sent herewith, which is self-explanatory. The High Court of Madras in its order dated 22.11.2017 in W.P. No.24492/2010 has inter alia directed as follows:

“xxx 15. It is informed to this court that, in Pondicherry, large number of irregular or illegal appointments are made by the authorities. It is the duty of the Government to provide equal opportunity in public employments under the constitutional principles to the citizen by undertaking the process of appointment in accordance with the rules in force. When the authorities are indulging in such illegal practice of appointing persons in violation of the regular recruitment rules against a sanctioned or permanent post, then it is the duty of the Government to identify all such illegal appointments and initiate appropriate actions, including disciplinary action, against such officials, who committed the act of appointing employees illegally.

16. If temporary appointments are made against a sanctioned permanent post for long years, it will create an expectation in the minds of the employees that they will be regularized at one point of time. Such a scope for false promises, cannot be provided to the employees. This court is of the opinion that this kind of practice by the State is an exploitation by the authorities. Thus, the State must put an end to this kind of activities and the employees undoubtedly will be of the opinion that by virtue of their long services, regularization will be granted to them.

17. Now that the Hon'ble Supreme Court of India reiterated that High Court cannot grant regularization in respect of irregular or illegal appointments. Certainly the States are also bound to follow the same. This Court takes this opportunity by directing the Chief Secretary to Government of Pondicherry, to issue suitable instructions/circulars/orders to all the authorities in this regard and prevent providing any illegal or irregular appointments in violation of the regular recruitment rules in force.

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18. *Equal opportunity in public employment is a constitutional mandate and the State authorities are bound to adhere the constitutional perspectives in this regard. State, being a model employer, cannot discriminate the eligible persons aspiring for public employment. Thus, this Court is of the opinion that an absolute transparency, equal opportunity and adherence of rules in force are to be adopted and followed by all concerned. Thus, no further adjudication needs to be undertaken in respect of the grounds raised in this writ petition. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions is also dismissed.*

19. *The Registry is directed to communicate a copy of this order to the Chief Secretary to Government, Chief Secretariat, Goubert Avenue, Pondicherry 605 001."*

2. All the Administrative Departments, Public Sector Undertakings, Autonomous Bodies etc. shall ensure that no illegal / irregular appointments in violation of Recruitment Rules are made under any circumstances. Further, the cases of illegal appointments may be identified and appropriate action, including disciplinary action against such officials, who committed the act of appointing employees illegally, may also be taken.

3. The Development Commissioner/Commissioners-cum-Secretaries/ Secretaries / Special Secretary to Government / Head of Departments / Heads of Offices, Heads of Public Sector Undertakings and Autonomous Bodies of Government of Puducherry shall be accountable for strict compliance of the aforesaid orders of High Court of Judicature at Madras in respect of Departments / Public Sector Undertakings /Autonomous Bodies/ Corporations/Societies/Boards/Authorities under their control.

// BY ORDER OF CHIEF SECRETARY //


(M.KANNAN)

UNDER SECRETARY TO GOVERNMENT

To

The Development Commissioner/Commissioner-cum-Secretary to Government/ Secretaries to Government/Special Secretary to Government, Puducherry.

Copy to:-

1. The Commissioner-cum-Secretary to Lt. Governor, Puducherry.
2. The Private Secretary to Chief Minister, Puducherry.
3. The Senior P. S. to Chief Secretary, Puducherry.