

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.02.2015

CORAM:

The Honourable Mr. Justice K.K. SASIDHARAN

W.P.No. 4952 of 2014

G. Ramadoss

...Petitioner

- Vs. -

1. The Deputy General Manager
Personnel Department
The Oriental Insurance Company Limited
Oriental House
A-25/27, Asaf Ali Road
New Delhi-110 002.
2. The Regional Manager
The Oriental Insurance Company Ltd.
Regional Office
United India Life Building
4th Floor, 4, Esplanade
Chennai-600 108.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus to quash the impugned order dated 11 December 2013 and consequently direct the respondents to issue posting order to the petitioner in the post of Administrative Officer (Scale - 1) Group "C"- (HR) at the Regional Office, Chennai pursuant to the provisional appointment made by the first respondent dated 5 December 2012.

For Petitioner : Mr.K. Raja Srinivas
for Mr. C. Ananda Ramani
For Respondents : Mr.N. Vijayaraghavan

ORDER

The petitioner submitted application for appointment to the post of Administrative Officer (Scale-I) for the year 2011-2012. The appointment order was issued to him on 5 December 2012. The petitioner was directed to join duty forthwith. The petitioner

submitted a representation seeking six months' time to join duty. The application was rejected by the first respondent resulting in filing this writ petition.

2. The second respondent in his counter affidavit submitted that the petitioner was a candidate for the year 2011-2012. According to the second respondent, the selection process for the year 2011-2012 was closed and the unfilled vacancies have been carried forward to the next Direct Recruitment year 2012-2013. The petitioner was given sufficient time to join duty. However, he failed to join duty and as such his representation was rightly rejected.

3. The learned counsel for the petitioner contended that the first respondent permitted similarly placed appointees to join service by giving them sufficient time. The petitioner is similarly situated and as such he should also be given the same indulgence.

4. The learned Standing Counsel for the respondents submitted the selection for the year 2011-2012 was conducted long back. The unfilled vacancies were carried forward to the next year. Subsequent selectees were given reasonable time to join service. The benefit given to the subsequent selectees cannot be extended to the petitioner in view of the fact that his selection was for the year 2011-2012.

5. The first respondent conducted written examination for recruitment to the post of Administrative Officer (Scale - I) on 8 April 2012. The petitioner was selected. The petitioner was directed to join duty by 17 December 2012. The petitioner submitted a representation on 14 December 2012 seeking six months' time for joining duty. Thereafter, he filed a writ petition. The first respondent, pursuant to the order dated 26 September 2012 considered the issue and ultimately rejected the request.

6. The counter affidavit filed by the second respondent clearly shows that for the year 2011-2012, 353 posts were filled. The remaining 124 unfilled posts were carried forward to the next Direct Recruitment year 2012-2013. The post offered to the petitioner was also carried forward to the next Direct Recruitment Year.

7. The petitioner was working in Airport Authority of India. He wanted time to take a decision as to whether he should resign and accept the new post.

8. It is true that the first respondent granted reasonable time to the subsequent appointees to join service. The subsequent appointees were all selected for the year 2012-2013. It is not open to the petitioner to contend that he should also be given the benefit of such extension notwithstanding the fact that the first respondent

has already carried forward the entire posts for the year 2012-2013. Therefore, it is very clear that there is no post as on the date on which the first respondent passed the impugned order. I am therefore of the view that there is no merit in the contention taken by the petitioner.

9. In the upshot, I dismiss the writ petition. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Tr/

To

1. The Deputy General Manager
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1 cc to Mr..N. Vijayaraghavan ,Advocate, SR.No.7135

W.P.No.4952 of 2014

rsk(Co)
pmk.5.3.2015

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