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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 30.10.2015
CORAM
THE HONOURABLE MR.JUSTICE T.RAJA
W.P(MD)Nos.19658 & 19659 of 2015
and
M.P(MD)Nos.1 & 1 of 2015

K.Selvaraj ... Petitioner in W.P(MD)No.19658 of 2015

U.Elangovan ... Petitioner in W.P(MD)No.19659 of 2015

Vs.

1.The Secretary to Government,
Labour and Employment (P2) Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.

2.The Director of Employment and Training,
Chennai - 600 032.

3.The Tamil Nadu Agro Engineering & Services
Cooperative Federation Ltd.,
Rep. by its Liquidator,
Chennai - 600 097.

4.The Commissioner of Agriculture/
Registrar of Agro Engineering Services,
Chepauk, Chennai - 5.
... Respondents in both W.P's

Common Prayer:- Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to consider the request of the petitioner dated 09.10.2015 in the light of the orders issued by this Court in WP (MD) No.4023 of 2010 etc., dated 27.11.2014 and in the light of the orders of the first respondent in G.O.Ms.No.116, dated 06.08.2015 and consequently to absorb the petitioners herein as Junior Training Officers in the second respondent on par with other similarly placed persons.

For Petitioner (in both W.P's) : Mr.Veerakathiravan

For Respondents (in both W.P's) : Mr.S.Satheesh kumar
Additional Government Pleader

COMMON ORDER

These Writ Petitions have been filed by the petitioners seeking for issuance of a Writ of Mandamus, directing the respondents to consider their request dated 09.10.2015 in the light of the orders issued by this Court in WP(MD) No.4023 of 2010 etc., and in the light of the orders of the first respondent in G.O.Ms.No.116 Labour and Employment (P2) Department, dated 06.08.2015 and consequently to absorb them as Junior

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Training Officers in the second respondent on par with other similarly placed persons.

2. Mr.S.Satheesh Kumar, learned Additional Government Pleader takes notice for the respondents.

3. The petitioners were previously employed under the third respondent Federation. Now, they were retrenched. Since similarly placed persons have approached this Court, by filing batch of Writ Petitions in W.P(MD).Nos.7241, 7359 and 7105 of 2011, 4023 and 7815 of 2010, seeking to absorb them as Junior Training Officers in the 52 existing vacancies kept vacant in pursuance of the order of this Court, dated 29.01.2013 and this Court, by order, dated 27.11.2014, allowed those Writ Petitions directing the first respondent therein, namely, the Principal Secretary to Government, Labour and Employment (P2) Department, to absorb the petitioners therein in all those Writ Petitions, as Junior Training Officers in the 52 existing vacancies kept vacant in pursuance of the order of this Court, dated 29.01.2013, the petitioners also have come to this Court.

4. The learned counsel appearing for the petitioners would submit that since a similarly placed person, namely, Mr.M.Sivalingam, who is one of the petitioners in W.P(MD).No.4023 of 2010, was appointed temporarily as Junior Training Officer (Tuner) in the scale of pay of Rs.9300-34800 + GP Rs.4200/- at Government Industrial Training Institute, Nagapattinam in the existing vacancy by proceedings in TP2/20883/2015-30 dated 09.09.2015 of the Joint Director (Craftsmen Training) (i/c), Office of the Director of Employment and Training, Guindy, Chennai, a similar direction may be issued to consider the petitioners' representation in the light of the order passed by this Court in batch of Writ Petitions in W.P(MD). Nos.7241, 7359 and 7105 of 2011, 4023 and 7815 of 2010 dated 27.11.2014 and in the light of the orders of the first respondent in G.O.Ms.No.116, Labour and Employment (P2) Department, dated 06.08.2015 and also another Proceedings No.TP2/20883/2015-30 of the Joint Director (Craftsmen Training) (i/c), Office of the Director of Employment and Training, Guindy, Chennai, dated 09.09.2015.

5. Mr.S.Satheeshkumar, learned Additional Government Pleader appearing for the respondents sought time to find out whether a similar order has been passed in the batch of Writ Petitions, pursuant to which, the said order has been followed under proceedings dated 09.09.2015. This Court is not inclined to grant any adjournment for the reason that when similarly placed persons have approached this Court by filing W.P (MD).Nos.7241, 7359 and 7105 of 2011, 4023 and 7815 of 2010, this Court, on 27.11.2014 has passed the following order:-

"16. In the result, all these writ petitions are allowed and the first respondent is directed to absorb the petitioners, in all these writ petitions, as junior training officers in the 52 existing vacancies kept vacant in pursuance of the order of this Court, dated 29.01.2013, subject to the same conditions imposed for the appointment of similarly placed persons as fresh appointments without counting past service and without any claim for seniority. The above exercise shall be completed within twelve weeks from the date of receipt of a copy of this Order. Consequently, connected Miscellaneous Petitions are closed. No costs."

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In reference to the said order passed by this Court, the Government by accepting the direction given, has issued G.O.Ms.No.116, Labour and Employment (P2) Department, dated 06.08.2015. The relevant portion of the said G.O. reads as follows:-

"6. The Government after careful examination, have decided to accept the proposal of the Director of Employment and Training, Chennai so as to implement the High Court's orders 2nd and 3rd read above. Accordingly, the Government issue the following orders:-

(i) Tvl / Tmt.1). N.Sadasivam,2) S.Thirumalsubramaian
3) R.Ramalingam, 4)V.Jayapal, 5) K.Murugesan,
6) R.GopalaKrishnan, 7) S.Manian, 8) R.Baskaran,
9)R.lrulappan, 10) V.Gandhimathi, 11)P.Muralidnaran,
12)B.Muniyasekar, 13) G.Muniyandi, 14) O Ravi,
15) G.Meganathan, 16) R.Ravi, 17) A.Annadurai,
18) T.Vedavyasan, 19). P.Samuel, 20) C.N.Selvasekaran, 21)K.Baskaran,
22) C.Gopalasamy, 23) I.Brittoarockiasany,
24) K.Arjunan, 25) G.Thiruvengadam, 26). K.Kalidoss,
27).G.Selvaraj, 28) M.Shanmugasundaram,
29)P.Velayutham, 30) M.Sivalingam, 31) K.Mani,
32)R.Radhakrishnan, 33) M.Manohar,
34) K.Pakkianathan, 35)K.Kariamalaialagu,
36)T.lsaackumar,37)M.Sekarwilson, 38)G.Krishnarajan, 39)A.Subramaniam,
40)R.Pitchaimani, 41)B.Shajahan, 42)R.Premkumar, 43)S.EIangovan,
44) M.Ganesan, 45)R.Thangadurai, 46)R.Navajeevan, 47).S.Gunasekarapandi,
48) V.Rajendran, 49) T.Ravi, 50) K.Uthilakumari, 51) S.Amalraj,
52) R.UIaganathan be appointed to the post of Junior Training Officer in the time scale.

(ii) In exercise of powers conferred under Part-ll, Rule 48 of General Rule for Tamil Nadu State and Subordinate Services, the Governor of Tamil Nadu hereby relaxes. Rule 10(A) (Recruitment through Employment Exchange) of General Rules for Tamil Nadu State and Subordinate Services, Rule 4 (Rule of Reservation)of the Special Rules for Tamil Nadu Employment and Training Sub-ordinate Service and Rule 2(a) (method of appointment) of the Special Rules for Tamil Nadu Employment and Training Sub-ordinate Service in favour of the above 52 individuals for appointment of the above post so as to comply with the" orders of the Madurai Bench of Madras High Court, Madurai dated 27.11.2014 passed in W.P.Nos. 4023, 7815, of 2010 and 7105, 7241, 7359 of 2011 and 08.12.2014 in W.P.No.11394 of 2010 filed by them.

(iii) The appointment will be considered as a fresh appointment only.

(iv) The petitioners should be fully qualified to hold the post of Junior Training Officer as per the statutory rules.

(v) For Junior Training Officer Appointment, except age, other conditions should be satisfied and original certificates to this effect should be produced.

(vi) The previous services will not be considered along with this Department Services.

(vii) The fixing of seniority should be ascertained at the time of appointment.

(viii) They should submit an affidavit obtained from a Notary Public that they are not holding any Government Post.

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7. The Director of Employment and Training, Chennai is directed to take necessary action and send a compliance report to Government."

Subsequently, separate proceedings were also issued, by issuing an order appointing Mr.M.Sivalingam as Junior Training Officer in the scale of pay of Rs.9300-34800 + GP Rs.4200/- at Government Industrial Training Institute, Nagapattinam in the existing vacancy by proceedings dated 09.09.2015 in TP2/20883/2015-30 of the Joint Director (Craftsmen Training) (i/c), Office of the Director of Employment and Training, Guindy, Chennai. Therefore, this Court has no hesitation to direct the first respondent to consider the case of the petitioners in the light of the orders issued by this Court in WP(MD) No.4023 of 2010 etc., and in the light of the orders of the first respondent in G.O.Ms.No.116, Labour and Employment (P2) Department dated 06.08.2015.

6. Accordingly, the first respondent is directed to consider the case of the petitioners in the light of the orders issued by this Court in W.P (MD).Nos.7241, 7359 and 7105 of 2011, 4023 and 7815 of 2010 and in the light of the orders of the first respondent in G.O.Ms.No.116, Labour and Employment (P2) Department dated 06.08.2015, within a period of three months from the date of receipt of a copy of this order.

7. With the above directions, these Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-I)

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Sub Assistant Registrar

To
1.The Secretary to Government,
Labour and Employment (P2) Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.

2.The Director of Employment and Training, Chennai - 600 032.

3.The Liquidator, Tamil Nadu Agro Engineering & Services
Cooperative Federation Ltd.,
Chennai - 600 097.

4.The Commissioner of Agriculture/
Registrar of Agro Engineering Services,
Chepauk, Chennai - 5.

+2cc to Mr.Veerakathiravan, Advocate SR.No.64244, 64245

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and
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