

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.11744 of 2016

and

WMP.No.10152 of 2016

M.Saravanan

.. Petitioner

-VS-

1. The Chairman and Managing Director
TANGEDCO, formerly TNEB Limited
144, Anna Salai, Chennai - 600 002

2. The Chief Engineer (Personnel)
TANGEDCO, formerly TNEB Limited
144, Anna Salai, Chennai - 600 002

3. The Superintending Engineer
Dharmapuri ED Circle
TANGEDCO, formerly TNEB Limited
Dharmapuri.

.. Respondent

Petition under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents herein to appoint the petitioner to the post of ITI Helper (Trainee) with attendant, service and monetary benefits in the above said post pursuant to the proceedings of the second respondent herein namely the Chief Engineer (Personnel), Chennai, TANGEDCO formerly TNEB Limited bearing No. 044771/201/G.57/G.572/2012-12 dated 26.10.2013.

For Petitioner ::Mr.K.S.Govinda Prasad

For Respondents ::Mr.A.Kumar
Special Government Pleader

ORDER

The writ petition has been filed seeking a writ of mandamus directing the respondents to appoint the petitioner as Helper (Trainee) in the TANGEDCO.

2. Learned counsel for the petitioner would submit that the petitioner after passing SSLC / X Standard has undergone the course of training at Government Industrial Training

Institution, Coonoor and also passed the prescribed trade test in the trade of Wireman held in the Month of July 1995. He would further submit that the petitioner was also issued with National Trade Certificate by the Government of India. The petitioner also successfully completed the course of Apprenticeship Training under the Apprentices Act 1961 at Sriramnarayan Mills Limited, Coimbatore from 01.6.1996 to 31.5.1997 and also passed the trade test as a regular candidate in the trade of wireman held in the month of November 1997 and was awarded with the provisional certificate. He would also submit that the petitioner is eligible for appointment to the post of ITI Helper (Trainee). In the year 2013, the respondent Board invited applications for interview to the post of ITI helper. Though the petitioner attended interview, he was not selected. Since there were some irregularities found in the process of interview, nearly 84 candidates, had approached this Court by way of W.A.No.81 of 2015 etc., batch. The Division Bench of this Court has disposed of the said writ appeal by order dated 14.10.2015 based on the compromise entered into between the parties. According to the learned counsel, those 84 persons were appointed for the post of ITI helper. He would also submit that the petitioner was not aware of the compromise reached on 14.10.2015 and he came to know the same recently. Therefore, he would submit that since the petitioner is also similarly placed, the same benefits should be given to him.

3. This Court is not able to find any merits in the submission made by the learned counsel for the petitioner for the reason that the Division Bench has disposed of the Writ Appeal only in terms of the memo of compromise dated 14.10.2015 entered into between the parties. It is useful to extract the said memo of compromise dated 14.10.2015, which reads as follows:-

"As per the respondent Corporation's request, this order will not apply to the persons, who did not approach this Hon'ble Court in time challenging the selection process and that this compromise cannot be treated as a precedent as this order is binding as between the parties on the basis of the consensus reached."

5. It is clearly stated in the above memo of compromise that the same cannot be treated as a precedent and the order is binding only as between the parties on the basis of the consensus reached. Since the petitioner has not been made as a party in the said compromise, the same is not applicable to him.

The writ petition fails and the same is dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

ga

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1. The Chairman and Managing Director
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3. The Superintending Engineer
Dharmapuri ED Circle, TANGEDCO,
formerly TNEB Limited Dharmapuri.

+ 1 cc to Mr.R.Varalakshmi, Advocate SR 20032

+ 1 cc to Mr.K.S.Govindaprasad, Advocate SR 20639

mpI (co)
prk25/5

W.P.No.11744 of 2016

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