

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No. 11876 of 2016

and

WMP.No. 10248 of 2016

1. R.Muthukumar
2. K.Anbumurugan
3. S.kanagarathinam
4. N.Namachivayam
5. U.Thirugnanam
6. G.Ayyanar
7. G.Chakkaravarthi
8. K.Velmurugan
9. R.Vadivel
- 10.K.Manoharan

..Petitioners

-vs-

1. The Chairman and Managing Director
Tamil NADU Generation and Distribution Corporation Limited
(TANGEDCO),
No.144, Anna Salai, Chennai - 600 002
2. The Chief Engineer (Personnel)
Tamil NADU Generation and Distribution Corporation Limited
TANGEDCO,
144, Anna Salai, Chennai - 600 002
3. The Commissioner
Employment and Training
Guindy, Chennai

..Respondents

Petition under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to forthwith consider the claim of the petitioners for appointment as Helper (Trainee) with the ITI Qualification possessed by them and that of the selection held during October, 2013 with reference to the direct recruitment to the said post in the existing or next arising vacancy on the basis of the representation dated 12.04.2014 followed by a reminder dated 15.12.2015 on merits and as per the directions dated 14.10.2015 made in W.A.No.81 of 2015 etc batch.

For Petitioners ::Mr.L.Chandrakumar

For R3 ::Mr.A.Kumar
Special Government Pleader

ORDER

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

2. Heard the learned counsel for the petitioners. Mr. A.Kumar, learned Special Government Pleader takes notice on behalf of third respondent.

3. Learned counsel for the petitioners would submit that though the petitioners are eligible for appointment to the post of ITI Helper (Trainee), their names were not considered by the respondents. He would further submit that the process of selection was challenged before this Court by nearly 84 candidates, through W.A.No.81 of 2015 etc batch and the Division Bench of this Court has disposed of the same based on the compromise entered into between them. Therefore, he would submit that since the petitioners are also similarly placed, the same benefits should be given to them.

4. This Court is not able to find any merits in the submission made by the learned counsel for the petitioners 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 petitioners are not a party in the said compromise, the same is not applicable to them.

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

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. The Chairman and Managing Director,
Tamil NADU Generation and Distribution Corporation Limited,
(TANGEDCO),
No.144, Anna Salai, Chennai - 600 002.
2. The Chief Engineer (Personnel),
Tamil NADU Generation and Distribution Corporation Limited,
TANGEDCO,
144, Anna Salai, Chennai - 600 002.
3. The Commissioner,
Employment and Training,
Guindy, Chennai.

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.20403
+1cc to the Government Pleader, S.R.No.20053

W.P.No.11876 of 2016

pvs (CO)
srg (26/04/2016)

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