

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.NO.15149 OF 2016
AND WMP NO.13193 OF 2016

R.Gnanamoorthy

.. Petitioner

Versus

- 1.The Secretary to Government
Labour & Employment (P2) Department
Government of Tamilnadu
Secretariat, Chennai - 9.
- 2.The Director of Employment and Training
Guindy,
Chennai - 32.
- 3.The Tamilnadu 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

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 15.04.2016 in the light of the order passed by this Hon'ble Court in W.P.(MD) No.4023 of 2010 etc., and in the light of the order of the first respondent in G.O.Ms.No.116, Labour and Employment (P2) Department, dated 06.08.2015 and 13.04.2016 and consequently absorb the petitioners as Junior Training Officer under the control of the 1st and 2nd respondents as done in the case of others on par with them.

For Petitioner : Mr.R.Singaravelan
Senior Counsel for Ms.M.Srividhya

For Respondents : Mr.R.Rajeswaran
1, 2 and 4 Special Government Pleader

COMMON ORDER

Heard Mr.R.Singaravelan, learned Senior Counsel for Ms.M.Srividhya, learned counsel for the petitioner and Mr.R.Rajeswaran, learned Special Government Pleader for the respondents.

2.With the consent of learned counsel appearing on either side, the writ petition is taken up for final disposal, at the admission stage itself.

3.The petitioner seeks for a direction upon the respondents to consider his representation dated 15.04.2016, in the light of the order passed by this Court in W.P.(MD) No.4023 of 2010 etc., and in the light of the order of the first respondent in G.O.Ms.No.116, Labour and Employment (P2) Department, dated 06.08.2015 and 13.04.2016 and consequently absorb him as Junior Training Officer under the control of the first and second respondents, as done in the case of others, on par with him.

4.It is pointed out by the learned Senior Counsel appearing for the petitioner that identical prayer was considered by this Court in W.P.No.6139 of 2016 dated 22.02.2016 and in the said writ petition, an earlier order passed by the Madurai Bench of this Court in W.P.(MD) No.7241 of 2010 etc., batch dated 27.11.2014 was referred to and the writ petition was disposed of issuing certain directions. At this stage, it would be necessary to refer to the operative portion of the earlier order, which reads as follows:

"2 The petitioner seeks for issuance of a writ of mandamus to direct the respondents to consider the petitioners' representation dated 06.02.2016 in the light of the order passed by this Court in WP [MD] No.7241/2010 etc., dated 27.11.2014 and in the light of the Government Order passed by the 1st respondent in G.O.Ms.No.116, Labour and Employment [P2] Department dated 06.08.2015.

3 The learned counsel for the petitioner has drawn the attention of this Court to the order passed by the Madurai Bench of this Court in WP [MD] No.17330/2015 dated 05.10.2015. In the said writ petition also, an identical relief was sought for. This Court has disposed of the said writ petition by directing the 1st respondent, viz., the Secretary to Government, Labour and Employment Department, to consider the representation of the petitioners therein, in the light of the orders passed in the earlier writ petition and also in the light of G.O.Ms.No.116, Labour and Employment [P2] Department dated 06.08.2015 within a period of three months.

4 Learned Government Advocate would submit that similar time may be granted to the 1st respondent herein to consider the representation of the petitioners herein dated 06.02.2016.

5 Accordingly, the writ petition is disposed of by directing the 1st respondent to consider the case of the petitioners herein in the light of the orders issued by this Court in WP [MD] Nos.7241, 7359 and 7105 of 2011 and 4023, 7815 of 2010 and in the light of 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. No costs. Consequently, the connected miscellaneous petition is closed."

5.It is further pointed out by the learned Senior Counsel appearing for the petitioner that the order passed by the Madurai Bench of this Court in W.P.(MD) No.7241 of 2010 etc., dated 27.11.2014 was implemented by the respondents by issuance of G.O.(Ms)No.116, Labour and Employment (P2) Department, dated 06.08.2015 and the order passed by this Court in W.P.No.6139 of 2016 dated 22.02.2016 was implemented in G.O. (Ms) No.116, Labour and Employment (P2) Department, dated 13.04.2016. Therefore, it is submitted that the respondents may be directed to pass similar orders, as in the other cases.

6.In the light of the above, there will be a direction to the first respondent to consider the case of the petitioner in the light of the orders passed by this Court in W.P.(MD) No.7241 of 2010 etc., dated 27.11.2014, which was implemented by

the first respondent in G.O.(Ms)No.116, Labour and Employment (P2) Department, dated 06.08.2015 and the order passed by this Court in W.P.No.6139 of 2016 dated 22.02.2016, which was implemented by the first respondent in G.O.(Ms) No.116, Labour and Employment (P2) Department, dated 13.04.2016, within a period of three months from the date of receipt of a copy of this order.

7.The writ petition is disposed of with the above observation and direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

TK

To

- 1.The Secretary to Government
Labour & Employment (P2) Department
Government of Tamilnadu
Secretariat, Chennai - 9.
- 2.The Director of Employment and Training
Guindy, Chennai - 32.
- 3.The Liquidator
The Tamilnadu Agro Engineering & Services
Cooperative Federation Ltd.,
Chennai - 600 097.
- 4.The Commissioner of Agriculture/
Registrar of Agro Engineering Services
Chepauk, Chennai - 5.

1 cc to Government Pleader, sr.25859
1 cc to Mrs.M.Srividhya, Advocate, sr.25719

W.P.NO.15149 OF 2016

pvs co
kra 19.05.2016