

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.25608 of 2015
and M.P.Nos.1 and 2 of 2015

R.Sathyakumar

.. Petitioner

vs.

1.Government of Tamil Nadu,
Rep by its Secretary,
Youth Welfare and Sports
Development (S1) Department,
Chennai-9.

2.Sports Development Authority
of Tamil Nadu,
Rep by its Member Secretary,
Chennai-600 084.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to regularize the services of the petitioner from the date of initial appointment with all attendant benefits.

For Petitioner : Mr.R.Subramanian

For Respondents: Mr.K.Dhananjayan,
Special Government Pleader for R1

Mr.I.Sathish for R2

O R D E R

This Writ Petition has been filed praying for issuance of a Writ of Mandamus directing the respondents to regularize the services of the petitioner from the date of initial appointment with all attendant benefits.

2. The petitioner was appointed as Athletic Coach on 18.02.2005 and though the initial period of contract was for three years, the same was being extended from time to time. The second respondent issued R.C.No.14304/AO-1-2006 dated 17.10.2007 stating that it has proposed to appoint existing contract Coaches on regular basis, if they are recommended by Employment Exchange and satisfy all other criteria pertaining for regular appointment and the District Sports Offices were directed to get an undertaking from the Coaches. Accordingly,

the petitioner executed an undertaking stating that he is willing to work as regular appointment Athletics Coach in SDAT. But instead of regularizing his service, he is being continued only as contract Coach and the respondents have appointed new Coaches on permanent basis without regularizing the contract Coaches, who have been working from 2004 onwards. While so, the first respondent had issued G.O.Ms.No.42 dated 04.07.2012 stating that 139 posts of Coaches have been sanctioned in which 129 have been filled up with 51 permanent Coaches and 78 contract Coaches and 10 posts are to be filled up and it was also decided to sanction 80 additional posts on contract basis. As on December 2012, 20 regular posts were available and instead of regularizing the services of the petitioner, the respondents sought to recruit from outside. Therefore, the petitioner and 13 other similarly placed persons filed writ petitions seeking regularizing of their service from the date of appointment with all attendant benefits and also for interim injunction restraining the second respondent from terminating their services. In the said writ petitions, the second respondent had filed a counter affidavit stating that there is no proposal to terminate the petitioners from service. During the pendency of those writ petitions, the second respondent informed the petitioner and others that they would regularize their services, if the writ petitions are withdrawn. Acting upon the assurance from respondents, they withdrew the writ petitions with liberty to file fresh writ petitions, if necessary. Hoping that the respondents would abide by the proceedings in R.C.No.14304/AO-1-2006 dated 17.10.2007 and assurances, the petitioner had submitted the application. Now the petitioner came to know that the respondents would not act on the proceedings dated 17.10.2007, but proceed ahead with the recruitment process and therefore, came forward with this writ petition.

3. When the matter is taken up for consideration, the learned counsel appearing for the petitioner relied on an earlier decision of this Court dated 29.07.2015 made in W.P.No.23081 of 2015, wherein in identical situation, this Court has passed orders directing the respondents therein to consider and pass appropriate orders granting requisite relaxation of educational qualification to the petitioner therein for appointment to the post of Coach within a period of four weeks from the date of receipt of a copy of the order and till such time, the respondents to keep one post of Coach vacant in the second respondent authority and prays for similar orders.

4. Heard the submissions of Mr.K.Dhananjayan, learned Special Government Pleader appearing for the first respondent, Mr.I.Sathish, learned counsel appearing for the second respondent and also perused the entire materials available on

5. In the light of the order dated 29.07.2015 made in W.P.No.23081 of 2015, this Writ Petition is disposed of and the respondents are directed to consider and pass appropriate orders **for appointment of petitioner*** to the post of Coach **(Athletics)*** within a period of four weeks from the date of receipt of a copy of this order and till such time, the respondents to keep one post of Coach (Athletics) vacant in the second respondent authority. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IV)
dt.3.11.2016

Corrected as per order of this
Court, dated 1.12.2016

//True Copy//

Assistant Registrar (CO)
dt.19/01/2017

Sub Assistant Registrar

jvm

To

1.The Secretary,
Government of Tamil Nadu,
Youth Welfare and Sports Development
(S1) Department,
Chennai-9.

2.Member Secretary,
Sports Development Authority

of Tamil Nadu,
Chennai-600 084.

To be Substituted this
order already dispatched
on 4.11.2016

+ 1 cc to Mr.Government Pleader Sr.59010
+ 1 cc to Mr.R. Subramanian, Advocate **SR.71074***
+ 1 cc to Mr.R.J.Sathish, Advocate SR.71448(30.01.2017)

W.P.No.25608 of 2015

AK(CO)
EU 23.1.17