

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.25611 of 2015

and M.P.Nos.1 and 2 of 2015

L.Vinayaga Moorthy

.. 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

ORDER

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 Weight Lifting Coach on 01.12.2004 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 Weight Lifting 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 record.

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 *(Weight Lifting)** 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 (Weight Lifting) vacant in the second respondent authority. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar
Dated:03/11/2016

***Corrected as per order
of this Court dated:01/12/2016
sd/-
Assistant Registrar(co)
Dated:19/01/2017**

//True Copy//

Sub Assistant Registrar

jvm

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

**To be Submitted to the
order already dispatched
on 04/11.2016**

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

+1cc to Mr.R. Subramanian, Advocate, S.R.No.71074
+1cc to the Government Pleader, S.R.No.59013
+1cc to Mr.I.Sathish, Advocate. sr.71445

ak(CO)
md(4/11/2016)
ss(23/01/2017)

W.P.No.25611 of 2015