

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2016

CORAM:

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.20849 and 20850 of 2016

and

W.M.P.Nos.17865 to 17868 of 2016

W.P.No.20849 of 2016

1. R.Krishnasamy
2. K.Nagarajan
3. S.Venkatesh
4. V.K.Mariappan

.... Petitioners

Vs.

1. The Chairman cum Managing Director,
TANGEDCO Ltd., No.144, Anna Salai,
Chennai - 600 002.
2. The Chief Engineer/Personal,
TANGEDCO Ltd., No.144, Anna Salai,
Chennai - 600 002.
3. The Commissioner,
Employment and Training
Guindy, Chennai.

.... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Declaration, to declare that the Notification issued by the 2nd respondent in the website of TANGEDCO, vide DPR/1000/TENDER/2013 in so far as the interview is concerned and the consequential selection list of 4000 Nos. of Helper (Trainee) by direct recruitment - 2013-2014 issued by the 1st and 2nd respondents without selecting the petitioners are null and void, illegal and against the Board's proceedings and consequently direct the 1st and 2nd respondents to appoint the petitioners to the post of Helper (Trainee) with all attendant benefits.

W.P.No.20850 of 2016

R.Jayakumar

... Petitioner

Vs.

1. The Chairman cum Managing Director,
TANGEDCO Ltd., No.144, Anna Salai,
Chennai - 600 002.

2. The Chief Engineer/Personal,
TANGEDCO Ltd., No.144, Anna Salai,
Chennai - 600 002.

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Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Declaration, to declare that the Notification issued by the 2nd respondent in the website of TANGEDCO, vide DPR/1000/TENDER/2013 in so far as the interview is concerned and the consequential selection list of 4000 Nos. of Helper (Trainee) by direct recruitment - 2013-2014 issued by the 1st and 2nd respondents without selecting the petitioner are null and void, illegal and against the Board's proceedings and consequently direct the 1st and 2nd respondents to appoint the petitioner to the post of Helper (Trainee) with all attendant benefits.

For petitioners in
both W.Ps. : Mr.P.Kumanan

For R1 and R2 in
both W.Ps. : Mrs.R.Varalakshmi

For R3 in both W.Ps.: Mr.A.Kumar,
Special Government Pleader

COMMON ORDER

By consent of both parties, these writ petitions are taken up for final disposal at the admission stage itself.

2. These writ petitions have been filed, praying for the issuance of a Writ of Declaration, to declare that the Notification issued by the 2nd respondent in the website of TANGEDCO, vide DPR/1000/TENDER/2013 in so far as the interview is concerned and the consequential selection list of 4000 Nos. of Helper (Trainee) by direct recruitment - 2013-2014 issued by

the 1st and 2nd respondents without selecting the petitioners are null and void, illegal and against the Board's proceedings and consequently direct the 1st and 2nd respondents to appoint the petitioners to the post of Helper (Trainee) with all attendant benefits.

3. The grievance of the petitioners is that though, they were fully qualified for appointment to the post of ITI Helper (Trainee) and they have attended the interview to the said post, they were not selected by the respondent Board. Hence, seeking the relief stated supra, these Writ Petitions have been filed.

4. The learned counsel for the petitioners would submit that earlier, 84 candidates have approached this Court by filing Writ Appeals in W.A.No.81 of 2015 & batch, wherein, they had entered into a compromise arrangement with the respondent Board and pursuant to which, they were appointed in the post of ITI Helper (Trainee). He would further add that the similarly placed persons like that of the petitioners had been given appointment pursuant to the compromise arrangement in the Writ Appeals and hence, they also seek the same relief by way of filing these Writ Petitions.

5. Mrs.R.Varalakshmi, the learned Standing Counsel, who takes notice for the respondents, would submit that once a judgment is passed in respect of particular persons and in that judgment, it is made clear that judgment will not apply to the persons, who did not approach this Court in time, the petitioners are not entitled to the same relief as that of the appellants therein and hence, prays for the dismissal of these Writ Petitions.

6. At this juncture, it is relevant to refer to the Memo of Compromise filed by the parties in the Writ Appeals in W.A.No.81 of 2015 & batch, dated 14.10.2015, wherein, in paragraph No.4, it is stated as follows:-

"4. 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."

7. This judgment was passed in the Writ Appeals in W.A.No.81 of 2015 & batch, on 14.10.2015. The petitioners herein have come to this Court by way of filing these Writ Petitions very belatedly on 09.06.2016, i.e., nearly after six months from the date of the judgment made in the Writ Appeals. Even though, the petitioners say that they are similarly placed persons as that of the appellants therein, they have kept quiet as "Fence

Watcher", as per the wordings of the Hon'ble Apex Court. They conveniently remained outside and watching the case as silent spectators, wanted somebody to get a favourable order and thereafter, claim similar orders, by claiming themselves as similarly placed persons, by filing these batch of Writ Petitions, for which course, this Court wants to put an end to. Once a judgment is passed in respect of particular persons and in that judgment, it was made clear that it will not apply to other persons, who did not approach this Court in time challenging the selection process and that the said compromise cannot be treated as a precedent as the said judgment was binding as between the parties on the basis of the consensus reached between them, this Court is of the view that the petitioners are not entitled for the relief sought for in these Writ Petitions. Hence, these Writ Petitions are dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

1. The Chairman cum Managing Director,
TANGEDCO Ltd., No.144, Anna Salai,
Chennai - 600 002.
2. The Chief Engineer/Personal,
TANGEDCO Ltd., No.144, Anna Salai,
Chennai - 600 002.
3. The Commissioner,
Employment and Training
Guindy, Chennai.

1 cc to Mr.P. Kumanan, Advocate, Sr. 33943

W.P.Nos.20849 and 20850 of 2016

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