

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:21-06-2016

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.21263 of 2016

and

WMP No.18219 of 2016

1.G.Kandhasamy
2.V.Gurusamy

...Petitioners

Vs.

- 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: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to consider the representation of the petitioners dated 10.06.2016 in the light of the order passed by this Hon'ble Court in W.P.(MD)No.4023 of 2010 etc. dated 27.11.2014 and in the light of the order of the 1st 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 Officers under the control of the 1st and 2nd respondents as done in the case of others, on par with them.

For Petitioners : Mrs.M.Srividhya

For Respondents : Mrs.P.Kavitha,
Govt. Advocate for
R1, R2 and R4

Mr.L.P.Shanmughasundaram,
Special Govt. Pleader (co.op) for R3

O R D E R

The petitioners were engaged to the post of Block Manager under the control of the 3rd respondent and they have been retrenched due to sudden closure of the Office of the 3rd respondent namely, the Tamil Nadu Agro Engineering and Services Cooperative Federation Limited.

2. Some of the candidates of the same department filed W.P. (MD) Nos.7241 and 7359 of 2011 and the same were allowed. Based on the order, the Government passed G.O.Ms.No.116, Labour and Employment Department (P2) dated 06.08.2015 and 13.04.2016 absorbing the writ petitioners therein as Junior Training Officers. Since the petitioners are similarly placed persons as that of the writ petitioners therein, they gave representation on 10.06.2016 seeking to absorb them as Junior Training Officers. Since the said representation has not been considered till date, they have approached this Court by way of this writ petition.

3. Heard Mrs.M.Srividhya, learned counsel appearing for the petitioners and Mrs.P.Kavitha, learned Government Advocate appearing for respondents 1, 2 and 4 and Mr.L.P.Shanmugasundaram, learned Special Govt. Pleader appearing for the 3rd respondent.

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

5. It is pointed out by the learned counsel appearing for the petitioners that an identical prayer was considered by this Court in W.P.No.6139 of 2016 dated 22.02.2016 and in the said writ petition, the earlier order passed by the Madurai Bench of this Court in W.P.(MD)No.7241 of 2011 etc. batch dated 27.11.2014 was referred to and the writ petition was disposed of by issuing certain directions. The operative portion of the earlier order reads as follows:

"2. The petitioner seeks for issuance of a writ of mandamus to direct the respondents to consider the petitioner's representation dated 06.02.2016 in the light of the order passed by this Court in W.P.No.(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 W.P.(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."

6. It is submitted by Mrs.M.Srividhya, learned counsel appearing for the petitioners that the order passed by the Madurai Bench of this Court in W.P.(MD)No.7241 of 2011 dated 27.11.2014 was implemented by the 1st respondent 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 by issuance of G.O.Ms.No.116, Labour and Employment (P2) Department dated 13.04.2016. Therefore, this Court is also inclined to issue a similar direction.

7. In the light of the above, there shall be a direction to the first respondent to consider the case of the petitioners in the light of the order passed by this Court in W.P.(MD)No.7241 of 2011 dated 27.11.2014 which was implemented 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 which was implemented by issuance of G.O.Ms.No.116, Labour and Employment (P2) Department dated 13.04.2016 within a period of twelve (12) weeks from the date of the receipt of a copy of the order.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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 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.

+ 1 cc to Mrs.M.Srividhya, Advocate Sr 34259

KR/4/7/16

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