

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23-06-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition Nos.21495 to 21500 of 2016
and W.M.P.Nos.18369 to 18374 of 2016

N.Balasubramanian .. Petitioner in WP.21495/16
A.Balasubramaniyan .. Petitioner in WP.21496/16
V.Kumar .. Petitioner in WP.21497/16
P.Saravanan .. Petitioner in WP.21498/16
L.Chinasamy .. Petitioner in WP.21499/16
S.Srinivasan .. Petitioner in WP.21500/16

Vs.

- 1.The Chairman and Managing Director
TANGEDCO, formerly TNEB Limited
144, Anna Salai, Mount Road
Chennai-600 002.
- 2.The Chief Engineer Personnel
TANGEDCO, formerly TNEB Limited
144, Anna Salai, Mount Road
Chennai-600 002. ..1st & 2nd Respondents in all the
WPs.21495 to 21500/16
- 3.The Superintending Engineer
Villupuram ED Circle
TANGEDCO
Villupuram-605 602. .. 3rd Respondents in
WP.No.21495/16, 21499/16
- R3.The Superintending Engineer,
Cuddalore ED Circle,
TANGEDCO Post Box No.27,
15A, Nethaji Road,
Cuddalore-607001. ..3rd respondent in WP.21496,
21497/16
- R4.The Superintending Engineer,
Vellore ED circle,
TANGEDCO, Gandhi Nagar,
Vellore-632006. ..3rd respondent in wP.21498/16,
21500/16

Common Prayer in all the WPs.:

W.P.No.21495 of 2016 to 21500/16 filed under Article 226 of the constitution of India to issue a Writ of Mandamus, to direct the respondents to appoint the petitioner to the post of ITI Helper (Trainee) with attendant, service and monetary benefits in the above said post, pursuant to the proceedings of the second respondent, namely, the Chief Engineer (Personnel), Chennai, TANGEDCO, formerly TNEB Limited, bearing No.044771/201/G.57/G.572/2012-12, dated 28.10.2013 and to pass such further orders as this Court may deem fit and proper in the facts and circumstances of the case.

For Petitioner :Mr.K.S.Govindaprasad
in W.P.No.21495 of 2016

For Respondents :Mrs.R.Varalakshmi
in W.P.No.21495 of 2016 Standing Counsel

COMMON ORDER

By consent, these Writ Petitions are taken up and disposed of at the stage of admission itself.

2. These Writ Petitions have been filed to issue Writ of Mandamus, to direct the respondents to appoint the petitioners to the post of ITI Helper (Trainee) with all other attendant, service and monetary benefits, pursuant to the proceedings of the second respondent, dated 28.10.2013.

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. Mr.K.S.Govindaprasad, 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 22.06.2016, i.e., nearly after nine 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 the 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 IV)

/true copy/

Sub Asst. Registrar

To

1.The Chairman and Managing Director
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15A, Nethaji Road,
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5.The Superintending Engineer,
Vellore ED circle,
TANGEDCO, Gandhi Nagar,
Vellore-632006.

+7 cc's to Mr.K.S.Govindaprasad, Advocate,SR.35557

+1 cc to Mr.R.Varalakshmi, Advocate,SR.35198.

ad(co)
krd 13/7

Writ Petition Nos.21495 to 21500
of 2016

सत्यमेव जयते

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