

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23-06-2016

Coram

THE HON'BLE MR.JUSTICE B. RAJENDRAN

Writ Petition No.21556 of 2016
and W.M.P.No.18433 of 2016

K.Ramesh

.. Petitioner

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.

3.The Superintending Engineer
Villupuram ED Circle
TANGEDCO
Villupuram-605 602.

... Respondents

Writ Petition 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

For Respondents :Mrs.R.Varalakshmi
Standing Counsel

O R D E R

By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondents to appoint the petitioner 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 petitioner is that though, he was fully qualified for appointment to the post of ITI Helper (Trainee) and he has attended the interview to the said post, he was not selected by the respondent Board. Hence, seeking the relief stated supra, this Writ Petition has been filed.

4. Mr.K.S.Govindaprasad, the learned counsel for the petitioner 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 petitioner had been given appointment pursuant to the compromise arrangement in the Writ Appeals and hence, he also seek the same relief by way of filing this Writ Petition.

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 petitioner is not entitled to the same relief as that of the appellants therein and hence, prays for the dismissal of this Writ Petition.

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 petitioner herein has come to this Court by way of filing this Writ Petition 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 petitioner say that he is similarly placed persons as that of the appellants therein, he has kept quiet as "Fence Watcher", as

per the wordings of the Hon'ble Apex Court. He conveniently remained outside and watching the case as silent spectator, wanted somebody to get a favourable order and thereafter, claim similar orders, by claiming himself as similarly placed person, by filing this Writ Petition, 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 petitioner is not entitled for the relief sought for in this Writ Petition. Hence, this Writ Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

paa

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

To

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+ 1 cc to Mrs. R. Varalakshmi, Advocate SR 35197

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