

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21-07-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.25263 of 2016
and W.M.P.No.21625 of 2016

C.Sathiya

.. 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
Gandhi Nagar
Vellore-632 006.

... 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

ORDER

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 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, the 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. For the proposition that when a particular set of employees is given relief by court, all other identically situated persons should be treated alike by extending same benefit, the learned counsel would rely on the judgment of the Hon'ble Apex Court reported in (2015) 1 Supreme Court Cases 347, State of Uttar Pradesh vs. Arvind Kumar Srivastava.

5. Mrs.R.Varalakshmi, the learned Standing Counsel, who took 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 the outset, I have to state that in an identical situation, I have dismissed the Writ Petitions in W.P.Nos.21495 to 21500 of 2016 and W.P.No.21556 of 2016, by order dated 23.06.2016, wherein, I have clearly held that the once a judgment is passed in respect of particular persons, it will not apply to the persons, who did not approach this Court in time challenging the selection process and that the said compromise arrived at between the appellants therein and the Management is not a judgment in rem and it is a judgment in personam, and therefore, it 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. In view of the same, I have to necessarily hold that nothing survives in this Writ Petition.

7. At this juncture, the learned counsel for the petitioner would submit that the petitioner may be permitted to make a representation in this regard. It is made clear that it is open to the petitioner

to seek the similar relief before the authority concerned by way of filing a representation and on such representation being made, it is for the authority concerned to consider the representation and to decide, whether the petitioner is similarly placed as that of the other persons and he is entitled to the relief sought for by him, in the light of the judgment of the Hon'ble Apex Court reported in (2015) 1 Supreme Court Cases 347, State of Uttar Pradesh vs. Arvind Kumar Srivastava, and thereafter, to pass appropriate orders, on merits and in accordance, as expeditiously as possible.

8. This Writ Petition is disposed of accordingly. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

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Gandhi Nagar
Vellore-632 006.

+1 cc to Mrs.R.Varalakshmi, advocate,sr.41847

+1 cc to M/s.K.S.Govindaprasad,advocate,sr.41806.

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krd 4/8

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