

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.25989 of 2016

T.Kumar

... Petitioner

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Eorde Zone,
45, Chennimalai Road,
Erode District, Erode.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent to consider the representation of the petitioner dated 04.04.2016 within the time fixed by this Court.

For Petitioner : Mr.G.Murugendran

For respondents : Mr.P.Paramasivadoss

ORDER

This writ petition has been filed by the petitioner praying for issuance of a writ of mandamus, directing the respondent to consider the representation of the petitioner dated 04.04.2016 within a time frame.

2.It is stated by the petitioner that after completion of SSLC, he had joined in the technical course of ITI-FITTER during the year 1995 and completed the said course in the year 1997. Thereafter, he had undergone the apprenticeship during the period from 10.02.1998 to 09.02.1999. After completion of the course, he registered his name under the category 'qualification of ITI-FITTER', in the District employment office at Tiruppur, under Reg.No.TPD.1994M10006504. Based on his employment registration, his name was recommended to the post of Junior ITI-FITTER for daily wages through the District Employment Office bearing letter No.X.2/66,67,68,69,70,71,72,73/2014, dated 18.08.2014. The respondent called the petitioner for an

interview through the calling letter bearing No.784 E3E/PD.1/TNSTC(KOVAI)/2014, stating that the interview was scheduled to be held on 28.11.2014 at 9.00 am at Tamil Nadu State Transport Corporation (Kovai) Ltd., Kovai Road, Pollachi. Based on the call letter, the petitioner attended the interview and he was selected and respondent has issued the appointment order vide P.No.3BB3/B.B1/Tnstc (Kovai)em/2015, dated 01.01.2015, appointing him as Junior ITI-FITTER (daily wages) in TNSTC (kovai) Ltd on temporary basis. The respondent asked the petitioner to produce a Demand Draft for Rs.10,000/- in the name of Director, Institute of Road Transport payable at Chennai and also to take one more Demand Draft for Rs.100/- in the name of Tamil Nadu State Transport Corporation (kovai) Ltd., Coimbatore-43, at the time of joining the duty. Accordingly, the petitioner had drawn the Demand Drafts and handed over the same to the respondent. Thereafter, the respondent asked the petitioner to produce the National Trade Certificate and National Apprenticeship Certificate. Instead of the said certificates, the petitioner produced Bonafide Certificate issued by the College, in which he studied, and the Training Certificate issued by the Director of Employment. It is stated by the petitioner that he had successfully completed his trade test held during July, 1997, for which he was awarded with Provisional National Trade Certificate, bearing No.06571. But, the petitioner was not allowed to join duty by the respondents as he did not produce the National Trade Certificate and National Apprenticeship Certificate. Hence, the petitioner had earlier filed a writ petition in W.P.No.18220 of 2015 and this Court by order dated 14.07.2015 has directed the respondents 1 & 2 therein, viz., Director General of Employment & Training and The Commissioner of Employment and Training to issue the National Trade Certificate to the petitioner for the relevant trade. Subsequent to the order passed by this Court, the petitioner obtained the said certificates. Thereafter, the petitioner made a representation dated 04.04.2016 to the respondent along with the requisite certificates, seeking to allow him to join duty. But, the said representation was not considered by the respondent. Hence, the petitioner has come forward with the present writ petition.

3.Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondent and perused the materials available on record.

4.Considering the limited scope of the prayer sought for by the petitioner in this writ petition, without expressing any opinion on the merits of the claim made by the petitioner, this Court directs the respondent to consider the representation dated 04.04.2016 given by the petitioner and to pass orders on

merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of.
No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssv

To
The Managing Director,
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Erode Zone,
45, Chennimalai Road,
Erode District, Erode.

+1cc to Mr.G. Murugendran, Advocate, S.R.No.61355

wr(CO)
md(22/11/2016)

W.P.No.25989 of 2016

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