

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.27074 of 2016 and
WMP.No.23247 of 2016

S.Tamilselvi

[Petitioner]

Vs

- 1 The Secretary to Government
Labour and Employment (P2) Department
Government of Tamil Nadu Secretariat
Chennai 9
- 2 The Director of Employment
and Training, Guindy, Chennai 32
- 3 The Tamil Nadu Agro
Engineering and Services Cooperative
Federation Ltd. Rep by its Liquidator
Chennai 97
- 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 issuance of a writ of mandamus directing the respondents to consider the representation of the petitioner dt 23.6.2016 in the light of the order passed by this Honourable Court in W.P. (MD) No. 17332/15 etc. and in the light of the order of the 1st respondent in G.O.Ms. No.116 Labour and Employment (P2) Department dated 6.8.2015 and 13.4.2016 and consequently absorb the petitioner as Junior Training Officer under the control of the 1st and 2nd respondents as done in the case of others on par with them.

For Petitioner .. Ms.M.Srividhya

For Respondents .. Mr.V.Jayaprakash Narayanan
Spl.Government Pleader

O R D E R

Mr.V.Jayaprakash Narayanan, learned Special Government Pleader takes notice for the respondents and with the consent of both parties, the main writ petition itself is taken up for final disposal.

2. The petitioner is stated to be engaged in the post of Block Manager under the control of the 1st and 2nd respondents. She was retrenched due to the sudden closure of the office of the 3rd respondent viz, The Tamil Nadu Agro Engineering and Services Co-operative Federation Limited. Similarly placed persons have approached the Madurai Bench of this Court by filing W.P.(MD)Nos.7241, 7359 and 7105 of 2011 and got the relief. The said order was also implemented by the Government through G.O.Ms.No.116, Labour and Employment (P2) Department dated 06.08.2015 and 13.04.2016, absorbing the writ petitioners therein as Junior Training Officers. Further, this Court also passed a similar order on 03.06.2016 in W.P.No.18966 of 2016, which was filed by one J.Sampath Kumar and another. Since the petitioner is a similarly placed person as that of the writ petitioners therein, she gave a representation on 23.06.2016 seeking to absorb her as a Junior Training Officer. Since the said representation has not been disposed of till date, the petitioner has approached this Court by filing this writ petition.

3. Heard the learned counsel on either side and perused the materials available on record.

4. It is seen from the records that similarly placed persons sought for an identical prayer in W.P.No.6139 of 2016 and this Court, by order dated 22.02.2016 has disposed of the said writ petition, which 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 W.P.(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".

The said order dated 22.02.2016 passed in W.P.No.6139 of 2016 is also said to have been implemented by the Government by issuance of G.O.Ms.No.116, Labour and Employment (P2) Department dated 13.04.2016. Therefore, this Court is inclined to issue a similar direction.

5. Though the learned counsel for the petitioner would submit that the petitioner has also sent a representation on 23.06.2016, Mr.V.Jayaprakash Narayanan, learned Special Government Pleader would submit that there is no acknowledgement or receipt filed by the petitioner in the typed set of papers.

6. In view of the same, this Court is of the view that it would be appropriate to direct the petitioner to file a fresh representation to the 1st respondent within a stipulated time and on receipt of which, the same may be directed to be disposed of in the light of the earlier orders passed by this Court.

7. Accordingly, the petitioner is directed to send a fresh representation to the 1st respondent within a period of one week from the date of receipt of a copy of this order and on receipt of such representation, the 1st respondent is directed to consider the same 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, and pass orders on the same, within a period of twelve weeks from the date of receipt of a copy of this order.

The writ petition is disposed of with the above observation and direction. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

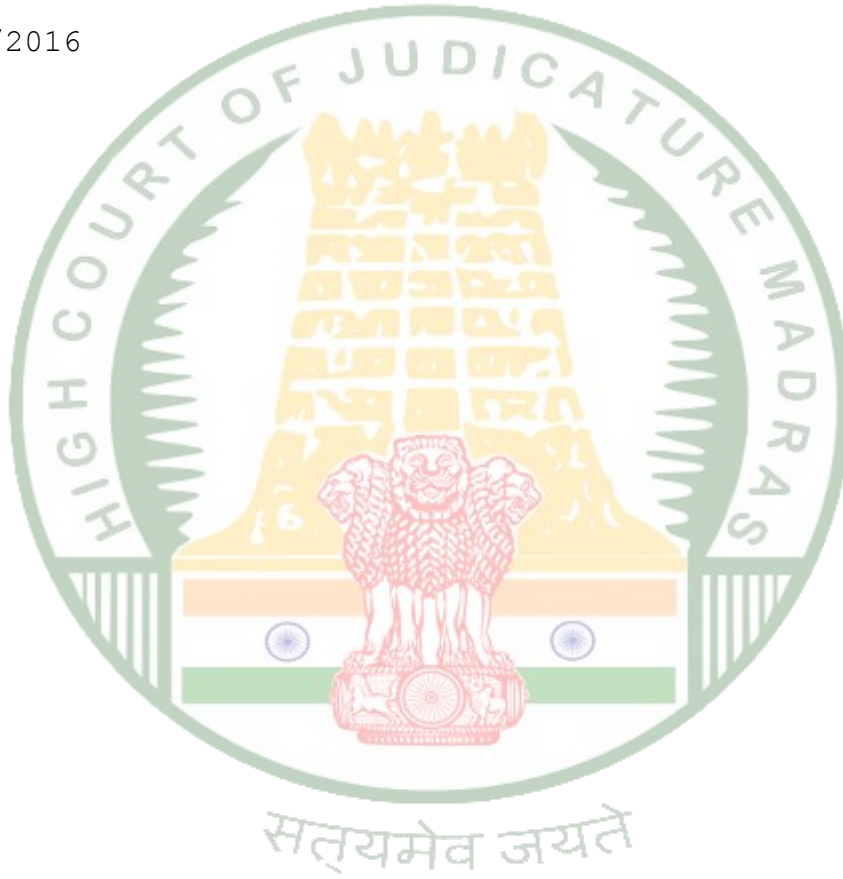
- 1 The Secretary to Government
Labour and Employment (P2) Department
Government of Tamil Nadu Secretariat
Chennai 9
- 2 The Director of Employment
and Training, Guindy, Chennai 32
- 3 The Tamil Nadu Agro
Engineering and Services Cooperative
Federation Ltd. Rep by its Liquidator
Chennai 97

4 The Commissioner of
Agriculture/Registrar of Agro Engineering
Services Chepauk Chennai 5

+lcc to Mr.M.Srividhya, Advocate sr.44008

W.P.No.27074 of 2016

nr[co]
srg 05/08/2016



WEB COPY