

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.33035 of 2016
& WMP No.28541 of 2016

B.Balaji

... Petitioner

Vs.

- 1 The State of Tamilnadu,
Rep. by the Secretary to Govt.
Animal Husbandry Dairying &
Fisheries Department,
Secretariat, Chennai-9.
- 2 The Director of Fisheries,
Tsunami Project Implementation Unit
Nandanam, Chennai-35.
- 3 The Commissioner of Fisheries
Fisheries Department
DMS Campus, Teynampet,
Chennai-6.
- 4 The Chief Engineer
O/o.The Commissioner of Fisheries
Fisheries Department
DMS Campus, Teynampet,
Chennai-6.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents either to absorb the petitioner in the post of Technical Assistant under the control of the respondents or select him to the said post by considering his application given by him for the post of Technical Assistant for which post the Notification has been issued vide Notification No.01/2016 dated 14.07.16 by the 4th respondent.

For Petitioner : Mr.R.Singaravelan,
Senior Counsel for
Ms.M.Srividhya

For Respondents : Mr.S.Gunasekaran,
Addl. Govt. Pleader

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents either to absorb him in the post of Technical Assistant under the control of the respondents or consider his Application given by him for the post of Technical Assistant for which post the Notification has been issued vide Notification No.01/2016 dated 14.07.2016 by the fourth respondent by relaxing his age.

3. It is the case of the petitioner that he has passed Diploma in Civil Engineering and he was selected for appointment to the post of Technical Assistant by the order of the Director of Fisheries, Chennai, on contract basis under the Tsunami Project Implementation Unit. Accordingly, he joined in the said post on 28.1.2013, at TPDIU, Nagapattinam and has been serving in the said post till date. Before his appointment in the Fisheries Department, he has gained experience in other departments also. The post, in which he was selected, was the special post sanctioned by the Government by way of G.O.Ms.No.293 dated 14.11.2013. Thereafter, the petitioner sent repeated representations to the respondents to regularize / absorb him in the said post. Since the candidates like that of the petitioner are working for many years without any permanent absorption, the Chief Engineer, Fisheries Department, Chennai issued a notification dated 14.7.2016 calling for applications from the eligible candidates to the post of Technical Assistant by direct recruitment. The petitioner has also applied for the said post. But, his application was not considered for the best reason known to the respondents. Even though he has possessed all the qualifications prescribed in the said notification, his application was not considered without any reason. The service of some of the candidates, who were working in the post of Technical Assistant in the Rural Development Panchayat Raj was regularized vide G.O.Ms.No.96, Rural Development and Panchayat Raj Department dated 6.6.2008 by relaxing their age. While so, even though he has perfectly complied with all the conditions prescribed by the respondents in the notification, his application was not considered. In this regard, he sent a representation dated 12.9.2016 to the respondents. Since the same was not considered so far, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the petitioner to make a detailed representation to the first respondent along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the first respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, within a period of six weeks thereafter. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sbi
To

- 1 The Secretary to Govt.
Animal Husbandry Dairying & Fisheries Department
Secretariat, Chennai-9.
- 2 The Director of Fisheries
Tsunami Project Implementation Unit
Nandanam, Chennai-35.
- 3 The Commissioner of Fisheries
Fisheries Department
DMS Campus
Teynampet
Chennai-6.
- 4 The Chief Engineer
O/o.The Commissioner of Fisheries
Fisheries Department
DMS Campus
Teynampet
Chennai-6.

+ 1 cc to Government Pleader Sr.55404

W.P.No.33035 of 2016

NR(CO)
EU: 26.09.2016