

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.38612 of 2016 and

WMP.No.33072 of 2016

A.Anbazhagan

[Petitioner]

Vs

- 1 The Secretary to Government
Labour & Employment (P2) Dept.
Government of Tamilnadu
Secretariat Chennai-9.
 - 2 The Director of Employment
and Training, Guindy Chennai-32
 - 3 The Tamilnadu Agro Engineering
& Services Cooperative Federation Ltd
Rep by its Liquidator Chennai-600 097.
 - 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 petitioners dated 29.10.16 in the light of the order passed by this Honourable Court in W.P. (MD) No.17330/ 2015 dated 5.10.15 and in the light of the order of the 1st respondent in G.O.Ms. No.116 Labour and Employment (P2) Department dated 6.8.15 and 13.04.16 and consequently absorb the petitioners 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
For Respondents

.. Ms.M.Srividhya
.. Mr.T.M.Pappiah
Spl.Government Pleader

O R D E R

Mr.T.M.Pappiah, 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. He 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, he gave a representation on 16.08.2016 seeking to absorb him 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. In view of the same, the 1st respondent is directed to consider the representation of the petitioner dated 29.10.2016 in the light of the earlier 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.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1 The Secretary to Government
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- 4 The Commissioner of
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Services Chepauk Chennai-5.

+1 cc to Ms.M.Srividhya Advocate sr 63078

+1 cc to Government Pleader sr 63924

W.P.No.38612 of 2016

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aa25/11/2016