

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.02.2016

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.4241 of 2016
and
W.M.P.No.3591 of 2016

M.Dennis

.. Petitioner

vs

1. The District Employment Officer
District Employment Office (TP)
No.56/40, Santhome High Road
Chennai 600 004.

2. The Managing Director
Metropolitan Transport Corporation
(Chennai), Pallavan House
Annasalai, Chennai 600 002.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the second respondent to consider for the post of Driver in the existing vacancy or in the future vacancy.

For Petitioner : Mr.T.Saravanan

For Respondents : Mr.P.Paramasivadosh

ORDER

Mr.M.Dennis, who has completed tenth standard in the year 1986 and possessed with National Trade Certificate as Fitter appears to have completed Apprenticeship course at Nesamony Transport Corporation Ltd., Depot at Nagercoil for which he has been issued with Apprenticeship Certificate on 24.01.1997. Besides that he has also undergone Proficiency Test as Driver in the Nesamony Transport Corporation Nagercoil from 17.02.1997 to 09.05.1997 for which also he has been issued with a Certificate by the Institute of Road and Transport, Taramani on 02.09.1997. With all these qualifications, he has registered his name for a suitable job in the first respondent employment exchange. Subsequently, in the meanwhile he was inducted as a driver in the second respondent-Metropolitan Transport Corporation,

Chennai in the year 2001 on daily wage basis and he has worked as a Driver there till 2006 continuously. The further case of the petitioner is that he was called for an interview for the post of Driver on 20.02.2007 and 24.01.2008 based on the sponsorship made by the first respondent on a temporary basis, but he was not considered for the same. Again the second respondent has called him for an interview on 18.11.2014 for the post of driver based on the sponsorship made by the first respondent. Again he was not selected. In this background, the petitioner has come forward with this writ petition seeking a direction to the second respondent Corporation for considering his name to the post of Driver in the existing vacancy or in the vacancy that may arise in the near future.

2. Mr.T.Saravanan, learned counsel for the petitioner would submit that the only grievance of the petitioner is that he is already aged about 44 years and the cut off age for selection to the post of driver is 45. Therefore, if he is not selected in the on going selection process for the post of driver in the second respondent corporation, he would stand ineligible, even if any interview is conducted in the future for him.

3. Mr.P.Paramasivados, learned Standing Counsel appearing for the second respondent Corporation by placing on record the letter dated 06.02.2016 issued by the respondent Corporation would submit that at present all the vacancies have been filled up and the selection process is also over and therefore, it is not possible for them to accommodate the petitioner.

4. Heard both sides.

5. On a perusal of the typed set of papers, it is seen that the petitioner is possessing the requisite qualification to become a Driver and based on the sponsorship made by the first respondent-Employment Exchange, the second respondent Corporation had also called him for an interview on four occasions, i.e., on 20.02.2007, 24.01.2008, 18.11.2014 and 29.11.2014 respectively, but however, he was not selected during the said period. At present, in the ongoing selection process, he was not called for an interview and that too, when he is about reach the overage, hence, in my view, the action of the respondent, cannot be construed as fair and reasonable.

6. In view of the above, there shall be a direction to the second respondent corporation to consider the case of the petitioner in the future vacancies that may arise immediately and before he becomes overage by issuing a call letter.

7. With the above observation, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vj2

To

1. The District Employment Officer
District Employment Office (TP)
No.56/40, Santhome High Road
Chennai 600 004.
2. The Managing Director
Metropolitan Transport Corporation
(Chennai), Pallavan House
Annasalai, Chennai 600 002.

+1cc to M/s. T. Saravanan, Advocate, S.R.No.8149
+1cc to M/s. P. Paramasivadosh, Advocate, S.R.No.8708

RSK(CO)
EU(11/03/2016)

WEB COPY

W.P.No.4241 of 2016