

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.42430 of 2016

A.Alphonse

... Petitioner

Vs.

1.The Commissioner
Employment and Training Cell Office at
Industrial Estate,
Guindy,
Chennai-600032

2.The Regional Director of
Employment & Training Office of the Regional
Directorate Employment and Training
Trichy-1

... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to consider regularize the service of the petitioner either in the cadre of Office Assistant or Full Time Sweeper or any other suitable post by considering his representation dated 20.09.2016 and pass orders thereon on merits and in accordance with law within a time to be specified by this Honourable Court.

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.S.N.Parthasarathy,
Government Advocate

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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 to consider regularization of his service either in the cadre of Office

Assistant or Full Time Sweeper or any other suitable post by considering his representation dated 20.9.2016 and pass orders thereon on merits and in accordance with law within a time to be specified by this Court.

3. It is the case of the petitioner that he registered his name with Sankarapuram Employment Exchange vide registration No.1247 of 1988. By the proceedings of the Sankarapuram Employment Training Officer, Special Employment Training Office for Tribal, Sankarapuram, Villupuram District, dated 10.8.1988, he was appointed as a Part Time Sweeper and he was paid wages at the rate of Rs.60/- per month. However, his service was not regularized for a long time. Hence, he submitted a representation dated 4.3.1993 to the second respondent seeking regularization of his service, who in turn, by communication dated 17.3.1993, stated that there was no vacancy available to accommodate the petitioner in the office of the Sankarapuram Employment Training Officer. Thereafter, on 18.2.2000, the petitioner submitted a representation to the first respondent seeking appointment in the sanctioned post of Night Watchman that existed in Villupuram Employment Exchange, who in turn, by communication dated 31.5.2000, informed the petitioner that there is no rule to consider his claim for such appointment. Once again, the petitioner submitted a representation to the second respondent seeking regularization of his service either in the post of Office Assistant or Full Time Sweeper and the second respondent, by communication dated 27.6.2002, informed that there was a ban for recruitment. Subsequently, after the ban was lifted, the petitioner submitted another representation on 19.4.2006 to the second respondent, who in turn, by communication dated 2.5.2016, informed that his claim for appointment or regularization would be considered in the near future. However, the same was not considered. Finally, the petitioner sent a representation dated 20.9.2016 to the respondents and since the same was also not considered so far, left with no other alternative, 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 Government Advocate, 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 first respondent to consider the representation of the petitioner dated 20.9.2016 seeking regularization of his service either in the post of Office Assistant or Full Time Sweeper and pass appropriate 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. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sbi

To

- 1.The Commissioner
Employment and Training Cell Office at
Industrial Estate,
Guindy,
Chennai-600032
- 2.The Regional Director of
Employment & Training Office of the Regional
Directorate Employment and Training
Trichy-1.

+1cc to Mr.P.Ganesan, Advocate, S.R.No.71332
+1cc to the Government Pleader, S.R.No.71660

W.P.No.42430 of 2016

MV (CO)
CA(19/12/2016)

सत्यमेव जयते

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