

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No. 35449 of 2002

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G. Manoharan

.. Petitioner

Versus

1. The District Employment Officer
Dharmapuri Employment Exchange
at Krishnagiri
2. The Assistant Director
Village Panchayats
Dharmapuri
3. The Papparapatti Selection Grade Panchayat
rep. by its Executive Officer
Papparapatti, Pennagaram Taluk
Dharmapuri District
4. M. Kumar
5. C. Nandakumar

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records comprised in Memo Na.Ka.383/99 (A1), dated 04.03.2002 on the file of the third respondent and quash the same and consequently direct the second respondent to conduct interview for the petitioner to the post of Fitter in any of the Panchayats in its control.

For Petitioner : Mr. R. Karthikeyan

For Respondents : Mr. K. Rajendra Prasad
Additional Government Pleader
for RR1 and 2

Mr. G. Sankaran for R3

No representation for R4

Mr. V.R. Anna Gandhi for R5

ORDER

The petitioner challenges the communication dated 04.03.2002 of the third respondent by which the petitioner was informed that a proposal has been sent to the second respondent for considering his claim for appointment to the post of Fitter in the third respondent Panchayat.

2. The petitioner registered his name in the first respondent employment exchange for appointment to the post of Fitter. According to the petitioner, the third respondent called for list of eligible candidates from the first respondent for selection and appointment to the post of Fitter and the first respondent also sponsored the names of the candidates. However, according to the petitioner, those who have registered their name in the first respondent employment exchange much after he registered his name were sponsored but his name was not included. The petitioner therefore filed WP No. 11279 of 2001 before this Court for a Writ of Mandamus directing the first respondent to sponsor his name to the third respondent. By order dated 29.10.2001, this Court directed the first respondent to sponsor the name of the petitioner to the third respondent Panchayat. In the meantime, the fourth and fifth respondents were appointed as Fitters in the third respondent Panchayat. The petitioner therefore issued a contempt notice to the first respondent on 13.01.2002 pursuant to which the first respondent sponsored the name of the petitioner on 17.02.2002 to the third respondent. Thereafter, the petitioner submitted a representation dated 26.02.2002 to the third respondent to conduct an interview for him for appointing him to the post of Fitter. At this stage, the third respondent has sent the impugned communication to the petitioner informing him that certain clarifications are sought for from the second respondent in connection with the claim made by him.

3. I heard the learned counsel on either side and perused the records. It is seen from the order dated 29.10.2001 passed by this Court in WP No. 11279 of 2001 that the first respondent was directed to sponsor the name of the petitioner to the third respondent, if he is otherwise qualified. According to the petitioner, the said order dated 29.10.2001 was not complied with by the first respondent and therefore he has issued a contempt notice to the first respondent and thereafter, his name was sponsored to the third respondent.

4. Even though no counter affidavit has been filed by the respondents, today, the learned Additional Government Pleader produced a copy of the order dated 31.07.2002 of the third respondent addressed to the second respondent wherein it was

stated that at the relevant point of time when two vacancies were available, the petitioner's name was not sponsored by the employment exchange and therefore the respondents 4 and 5 were appointed in the vacant posts. It was further stated that there is no vacancy available in the third respondent Panchayat as on that date.

5. Having regard to the above facts, this Court can only observe that even though the petitioner was eligible at the relevant point of time, his name was not sponsored by the first respondent to the third respondent for selection and appointment to the post of Fitter. The petitioner also swiftly approached this Court and obtained a direction, however, in the meanwhile the fourth and fifth respondents were appointed to the post of Fitter. Now, fourteen years have lapsed and at this stage, this Court cannot interfere with the impugned communication of the third respondent. This is more so that the petitioner would have now become over aged. In such view of the matter, this Court is not inclined to interfere with the order passed by the third respondent. The writ petition is therefore dismissed. No costs. Consequently, connected WMP No. 52892 of 2002 is closed.

-s/d-

Assistant Registrar (CS-VII)

True Copy

Sub-Assistant Registrar

rsh

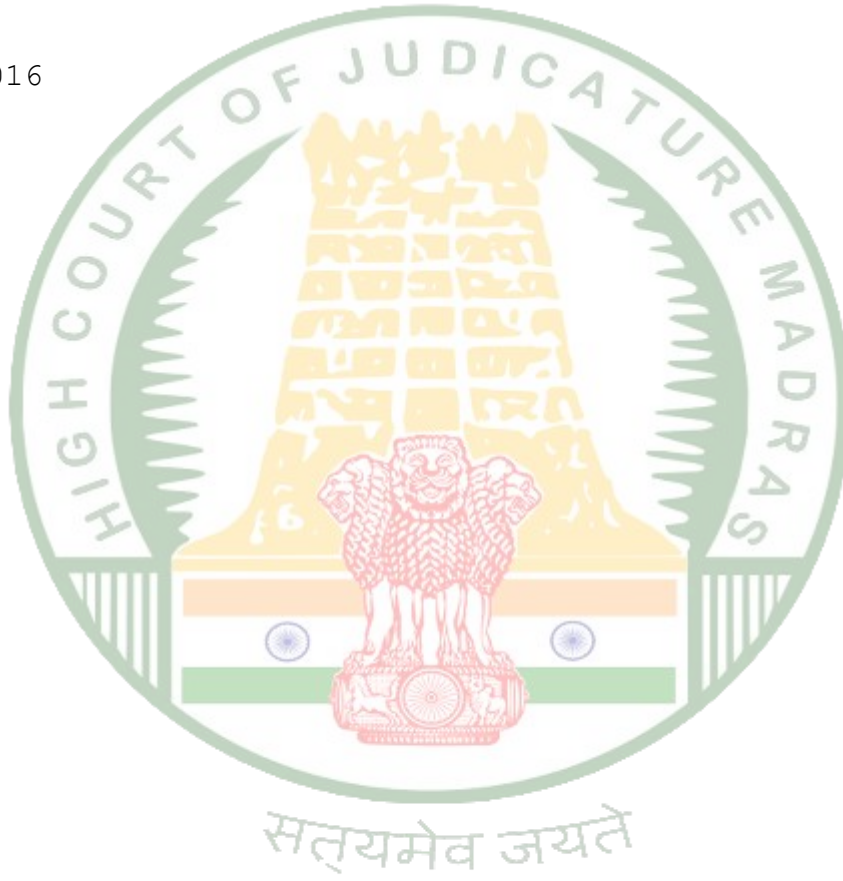
To

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Papparapatti, Pennagaram Taluk
Dharmapuri District

+1 cc to Mr.R.Karthikeyan Advocate sr 45270
+1 cc to Mr.V.R.Annaganthi Advocate sr 44973
+1 cc to the Government Pleader sr 45210

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aa08/09/2016



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