



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :03.06.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.9741 of 2016

P.Muruganandham

.. Petitioner

vs.

1.Bharat Heavy Electricals Limited,
Rep. By Chairman & Managing Director,
BHEL Corporation Office,
Siri Fort, New Delhi - 110049.

2.The Executive Director,
Bharat Heavy Electricals Ltd.,
Tiruchirapalli - 620 014.

3.The Senior Manager/Human Resource,
(Recruitment and System),
Bharat Heavy Electricals Ltd.,
Tiruchirapalli-14.

4.The General Manager,
Bharat Heavy Electricals Ltd.,
Trichy -14.

5.The Deputy General Manager,
(HR-Welfare-Recruitment),
Bharat Heavy Electricals Ltd.,
Tiruchirapalli-14.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation, dated 09.04.2016 and consequently direct the respondents to consider the petitioner for the purpose of absorption in trade of fitter in accordance with his age, experience and qualification in regular time scale of pay, on par with similarly placed persons covered by the orders dated 14.05.2008 passed in W.A.Nos.685 to 687 of 2007 in respect of vacancies available with respondent's corporation, within a time frame as may be fixed by this Honourable Court.

For Petitioner

:Mr.D.Selvanayagam for
Mr.M.Vinoth Singh Misra

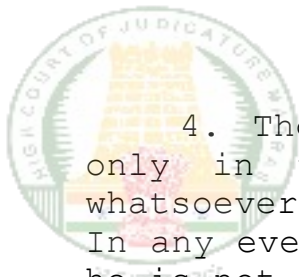


ORDER

This Writ Petition has been filed by the petitioner under Article 226 of the Constitution of India, seeking issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation, dated 09.04.2016, and consequently, direct the respondents to consider the petitioner for the purpose of absorption in trade of Fitter in accordance with his age, experience and qualification in regular time scale of pay, on par with similarly placed persons covered by the orders, dated 14.05.2008, passed in W.A.Nos.685 to 687 of 2007 in respect of vacancies available with the respondents/corporation, within a stipulated time.

2. The learned counsel for the petitioner submitted that the petitioner was taken for one year Apprenticeship Training in the respondents/Corporation in Trichy Unit from 04.10.1991 to 03.10.1992. Again, he was taken for a Multi Skilled Apprenticeship Training for the period commencing from 11.12.2001 to 15.06.2002. Even after successfully completing both the training courses, the petitioner was not absorbed into service by the respondents. In the meanwhile, similarly placed persons had approached this Court by filing W.P(MD)Nos.8675 and 11160 of 2005 and 2655 of 2007, wherein, this Court, vide order, dated 12.10.2007, had directed the respondents therein to grant appointment to the former Apprentices in regular service citing the reason that, in Ranipet Unit, similarly placed Apprentices were absorbed. It was observed that the respondents cannot make distinction between two similarly-placed set of people. Therefore, the petitioners therein were advised to make a representation. Likewise, after waiting for a long time to get absorption, there being no response, the petitioner has made a representation on 09.04.2016. The said representation has not been considered by the respondents. Hence, the petitioner has been compelled to come forward with this Writ Petition.

3. This Court does not find any merit to consider the prayer since the petitioner has not made out his case. The affidavit filed in support of the Writ Petition is not clear and specific about the spells/duration of his apprenticeship. Even though it is stated that a settlement was entered into between Ranipet unit and its workers in the year 2007 and it was agreed between the parties to absorb the Apprenticeship Trainees who have not attained 40 years of age as on 05.11.2007", seemingly, the petitioner, having slept over the matter from 2007 till 2016, chose to make a representation only on 09.04.2016, with the result, he has rendered himself "disqualified" as he is over-aged now. Therefore, this Court is not inclined to entertain this



4. Though it is submitted that the review order was passed only in the year 2009, even then, there is no explanation whatsoever as to why the petitioner kept quiet from 2009 to 2016. In any event, the petitioner is aged about 43 years and therefore, he is not entitled for absorption.

5. In the result, the Writ Petition is dismissed. No Costs.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

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