

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.6392 of 2017
and
W.M.P.No.6895 of 2017

R.Anbalagan

.. Petitioner

Vs.

1. The Secretary to Government,
Labour and Employment (P2)
Department, Govt. of Tamil Nadu,
Secretariat, Chennai - 9.
 2. The Director of Employment and
Training, Guindy,
Chennai - 32.
 3. The Tamil Nadu Agro Engineering
and Services Cooperative
Federation Ltd., rep. by its
Liquidator, Chennai - 97.
 4. The Commissioner of Agriculture/
Registrar of Agro Engineering
Services, Chepauk, Chennai - 5.
- .. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents to consider the representation of the petitioners dated 24.05.2016 in the light of the order passed by this Court in W.P.(MD) No.4023/10 etc., and in the light of the order of the first respondent in G.O.Ms.No.116 Labour and Employment (P2) Department dated 06.08.2015 and 13.04.2016 and consequently absorb the petitioners as Junior Training Officer under the control of the first and second respondents as done in the case of others on par with them.

For Petitioner .. Mr.R.Singaravelan, Sr. Counsel
for Ms.M.Srividhya

For Respondents .. Mr.P.V.Selvakumar
Addl. Govt. Pleader for R1 & R2

ORDER

The petitioner was the erstwhile employee of the third respondent having worked as a Block Manager. He along with others was retrenched due to sudden closure of office of the third respondent. The writ petition was filed earlier by the employees who are similarly placed like that of the petitioner and certain directions have been issued by this Court. Seeking the very same benefit, the petitioner made a representation on 24.05.2016 to consider his case in tune with the order passed by this Court in W.P.(MD) No.4023 of 2010 and G.O.Ms.No.116 Labour and Employment Department dated 06.08.2015 and 13.04.2016. Reliance has been made on the similar orders passed by this Court in W.P.Nos.15149 and 18966 of 2016 dated 25.04.2016 and 03.06.2016 respectively.

2.Considering the above and without going into the merits of the case, this Court is inclined to direct the first respondent to pass appropriate orders on the representation of the petitioner dated 07.02.2017 by taking into consideration the earlier order passed by this Court in W.P.No.18966 of 2016 dated 03.06.2016, which reads as under:

"4.It is pointed out by the learned senior counsel appearing for the petitioners that an identical prayer was considered by this Court in W.P.No.6139 of 2016 dated 22.02.2016 and in the said writ petition the earlier order passed by the Madurai Bench of this Court in W.P.(MD) No.7241 of 2011 etc., batch dated 27.11.2014 was referred to and the writ petition was disposed of by issuing certain directions. The operative portion of the earlier order 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.(MD) No.7241 of 2010 etc., dated 27.11.2014 and in the light of the Government Order passed by the first 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 of 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 first 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 06.03.2015 within a period of three months.

4.Learned Government Advocate would submit that similar time may be granted to the first 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 first 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.''

5.It is submitted by Mr.R.Singaravelan, learned Senior Counsel appearing for the petitioners that the order passed by the Madurai Bench of this Court in W.P.(MD) No.7241 of 2011 dated 27.11.2014 was implemented by the first respondent 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 was implemented by issuance of G.O.Ms.No.116, Labour and Employment (P2) Department dated 13.04.2016. Therefore, this Court is also inclined to issue a similar direction.

6.In the light of the above, there shall be a direction to the first respondent to consider the case of the petitioners in the light of the 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 within a period of 12 weeks from the date of the receipt of a copy of the order.

7.The writ petition is disposed of with the above observation and direction. No costs. Consequently, the connected W.M.P.No.16532 of 2016 is closed.

3.Accordingly, the first respondent is directed to consider the representation of the petitioner dated 07.02.2017 and pass appropriate orders, taking into consideration the order referred to above, within a period of twelve weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government,
Labour and Employment (P2)
Department, Govt. of Tamil Nadu,
Secretariat, Chennai - 9.
 2. The Director of Employment and
Training, Guindy,
Chennai - 32.
 3. The Liquidator,
Tamil Nadu Agro Engineering
and Services Cooperative
Federation Ltd.,
Chennai - 97.
 4. The Commissioner of Agriculture/
Registrar of Agro Engineering
Services, Chepauk, Chennai - 5.
- +1 CC to M/s. M. Sricidya, Advocate sr 19718

W.P.No.6392 of 2017

SS (CO)
sp/25/4