

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2017

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

W.P. No. 1516 of 2017
&
W.M.P. No. 1418 of 2017

P. Shanthakumar ..Petitioner

Vs.

Director,
District Employment Office - Chennai
Department of Employment and
Training,
No. 140, Santhome High Road,
Chennai 600 004. ..Respondent

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Declaration declaring that the action of the respondent in not sponsoring the name of the petitioner for employment to the prospective employer in accordance with the employment seniority based on his employment Registration No. F/2108/94 when his immediate junior was sponsored as illegal, arbitrary and contrary to law and consequently direct the respondent to sponsor his name to the prospective employer based on the qualification of the petitioner.

For Petitioner :: Mr.V. Kadhirvelu

For Respondent :: Mr.P. Sanjai Gandhi
Addl. Govt. Pleader

O R D E R

With the consent of both parties, the main writ petition itself is taken up for final disposal.

2. Mr.P. Sanjai Gandhi, learned Additional Government Pleader, accepts notice on behalf of the sole respondent.

3. The petitioner is a Graduate in Philosophy and he has also obtained Post Graduation Degree in Social Work. He has completed Typewriting (English), Lower and Higher Grade. The petitioner has also been awarded with National Social Service Certificate (NSS) and he belongs to Denotified Community. The

petitioner would further submit that his family consists of his mother, wife and two children and at present, he is working in a private company on a very meagre salary. The grievance of the petitioner is that though he has registered his name with the respondent, as early as on 25.03.1994, he is yet to receive even a single call letter. According to the petitioner, while the names of his juniors have been sponsored, his name has been unjustly overlooked so far. In this regard, the petitioner has submitted representations dated 16.02.2012 and 06.05.2015. Since no orders have been passed, the petitioner has come forward to file the present writ petition.

4. Learned counsel for the petitioner would submit that the Labour and Employment (T2) Department, in G.O.(Ms).No. 44 dated 11.03.2015, has laid down certain guidelines, with regard to recruitment through Employment Exchanges, based on the judgment of this Court dated 09.06.2014 in W.A. No. 1027 of 2013 and therefore, it is mandatory on the part of the respondent to follow the said G.O. and in that event, the name of the petitioner, has to be sponsored by the respondent and therefore, prays for appropriate orders.

5. Mr.P. Sanjai Gandhi, learned Additional Government Pleader would submit that though representations have been made by the petitioner in 2012 and 2015, no acknowledgements are available for the same.

6. This Court has considered the rival submissions and also perused the typed set of documents.

7. Though the petitioner prays for a larger relief, in the light of the above facts and circumstances, this Court permits the petitioner to submit one more representation to the respondent, along with a copy of this order as well as copies of earlier representations made by him, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondent is directed to consider the said representation, on merits and in accordance with law, and pass orders, within a further period of eight weeks thereafter and communicate the decision taken thereon to the petitioner. The writ petition is disposed of accordingly. No costs. Connected W.M.P. is closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

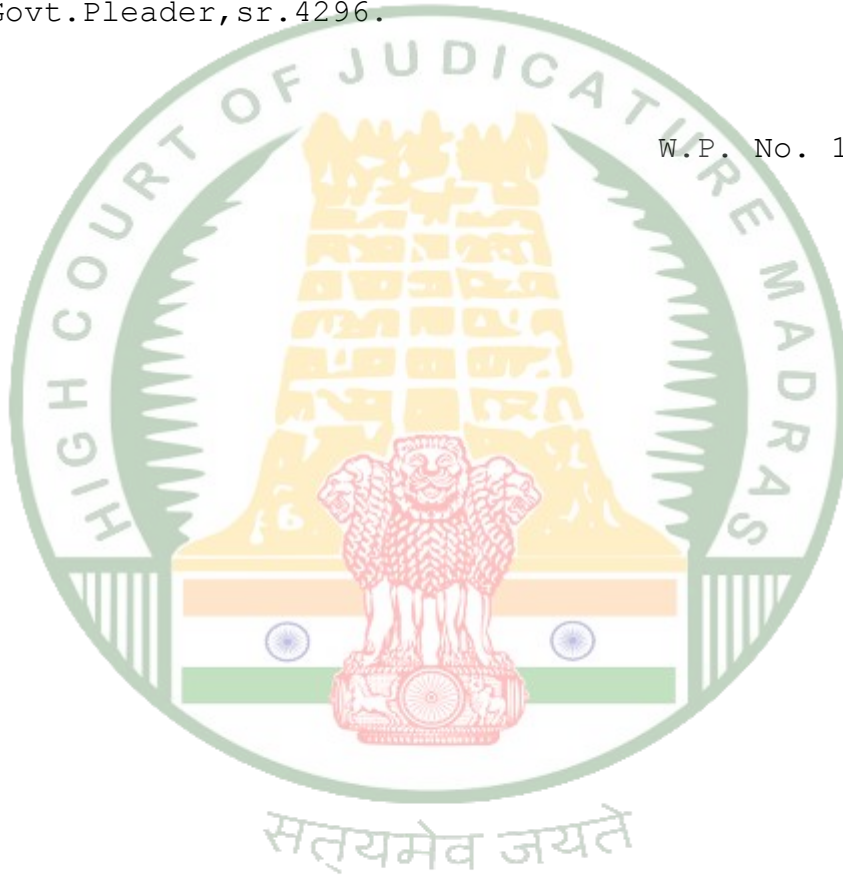
Director,
District Employment Office - Chennai
Department of Employment and
Training,
No. 140, Santhome High Road,
Chennai 600 004.

+1 cc to Mr.V.Kathirvelu, advocate,sr.4133

+1 cc to Govt.Pleader,sr.4296.

nmi(co)
krd 25/1

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