

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.11.2019

Coram

The Honourable Mr.Justice D.KRISHNAKUMAR

W.P.No.15540 of 2013

1.R.Stalin
2.D.Arulraj
3.S.Kanayalan
4.S.Sangar
5.M.Amirthalingam
6.M.Paranitharan
7.G.Nilavarasan
8.M.Lucas
9.S.Senthil Arasu
10.M.Sundaraganapathy

(P4 had withdrawn the writ petition vide order dated 17.02.2017 made in W.M.P.No.2428 of 2017)

(P1 to P3 & P5 to P7 had withdrawn the writ petition vide order dated 28.03.2017 made in W.M.P.Nos.8104 to 8109 of 2017)

(The writ petition was dismissed as withdrawn in respect of P8 vide order dated 23.09.2014 made in M.P.No.1 of 2014)

(P10 had withdrawn the writ petition vide order dated 28.06.2017 made in W.M.P.No.16609 of 2017)

...Petitioners

Versus

1.Oil and Natural Gas Corporation Limited,
Rep. by its ED Asset Manager,
Cauvery Asset, Karaikal.
2.Chief Manager (HR) R & P,
Oil and Natural Gas Corporation Limited,
Cauvery Asset, Karaikal.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to grant age relaxation to the petitioners, making them eligible for appointment for the posts of Junior Assistant Technician in various fields Assistant Technician, Security

Supervisor and Health Care Attendant as per the notification issued by the respondents in Advertisement No.2/2013 dated Nil and to appoint them to the said posts.

For Petitioner (P9) : Ms.D.V.Srimathivathani

For Respondents : Mr.M.A.Sharun
for M/s.King & Patridge

O R D E R

The relief sought for in the present writ petition is to direct the respondents to grant age relaxation to the petitioners, making them eligible for appointment for the posts of Junior Assistant Technician in various fields Assistant Technician, Security Supervisor and Health Care Attendant as per the notification issued by the respondents in Advertisement No.2/2013 dated Nil and to appoint them to the said posts.

2. The writ petitioners have been working for the respondents Corporation through various contractors for different periods of time ranging from 15 to 20 years. The petitioners have been appointed on contract basis, however, even after working for so many years in the category of skilled labour, they had been drawing Rs.253/- per day as daily wages and not been absorbed into regular service by regularizing them and placing them on time scale of pay.

2.1 While so, the respondents issued a recruitment notification in Advertisement No.2 of 2013 dated Nil for a total of 24 posts in 148 vacancies including the various posts in which the petitioners are presently working. The said notification had called for applications for appointment by direct recruitment in respect of all the posts by way of direct recruitment, while setting out the eligibility criteria, i.e., educational qualifications, age limit, physical standards measurement, physical efficiency test etc.,

2.2 The writ petitioners are fully qualified for the posts called for by the respondents Corporation, in all respects except by age. Therefore, the petitioners made a representation on 24.04.2013, to the respondents requesting to allow them to participate in the recruitment process by relaxing the age limit. Also, the petitioners submitted their applications for appointment to the posts advertised as per the notification.

2.3 The written test for the said recruitment is scheduled on 09.06.2013. However, the respondents had not sent any

intimation to the petitioners with regard to the written test. Thereafter, the petitioners came to know that their applications for appointment to the posts advertised had been rejected on the ground that they were over aged. Hence, left with no other alternative, the petitioners filed the present writ petition for the relief stated supra.

3. Pending the writ petition, on 17.02.2017, the fourth petitioner had withdrawn the writ petition and on 28.03.2017, the petitioners 1 to 3 & 5 to 7 had withdrawn the writ petition. Thereafter, on 23.09.2014, the writ petition was dismissed as withdrawn in respect of eighth respondent. On 28.06.2017, the tenth petitioner had withdrawn the writ petition. Now, the ninth petitioner alone is contesting the case.

4. The learned counsel for the petitioner (P9) submitted that the petitioners herein had been working in the respondents Corporation for several years and they are fully qualified for the posts called for by the respondents Corporation by way of direct recruitment. She further submitted that though the petitioners submitted applications for the posts called for by the respondents Corporation, however, the same were rejected for the reason that they were over aged. She therefore prayed that the relief sought for in the present writ petition may be granted to the petitioner.

5. The learned counsel appearing for the respondents would contend that the applications submitted by the petitioners were rejected by the respondents Corporation since the petitioners were exceeded the age limit specified in the recruitment notification. He would further contend that it is clearly stated in the counter affidavit that only the tenth petitioner has sent a Letter dated 24.04.2013 to the respondents Corporation seeking age relaxation, except him, no other petitioners had made a application within the cut-off date along with a request seeking age relaxation. He would also submit that the respondents Corporation had appointed the candidates for the posts called for.

6. Heard the learned counsel for the ninth petitioner and the learned counsel appearing for the respondents.

"In the rejoinder filed by the petitioner today (15.11.2019), it is stated that the respondents have taken a stand in the counter affidavit, that the claim of the ninth petitioner has not been considered as he not submitted the application within the cut-off dated of 06.05.2013, and only the tenth petitioner has sent a Letter dated 24.04.2013 to the

respondents Corporation seeking age relaxation, and except him, no other petitioners had made a application within the cut-off date along with a request seeking age relaxation, whereas, the fact remains that the petitioner has made a representation seeking age relaxation on 03.05.2013, and the same was rejected by the respondents. Therefore, she contended that the respondents cannot take a stand no representation was made by the ninth petitioner to consider the claim. However, the learned counsel appearing for the respondents, on instructions, submitted that, the ninth petitioner is not entitled to be considered for selection to the post of Security Supervisor, since the ninth petitioner is not coming with the zone of consideration. Further, the learned counsel for the respondents submitted that three vacancies were notified by the respondent/Corporation to fill up the post of Security Supervisor, for which, 24 candidates have applied, and the candidates, who have secured 54 marks and above, were called for interview to the post, for which, only three candidates were selected and appointed. Since the ninth petitioner has secured only 36 marks, he is not eligible to attend the interview.

In view of the aforesaid submission of the learned counsel for the respondents, the question of verifying into aspects as to whether the petitioner has made application within the cut-off time and whether the petitioner has made representation seeking age relaxation, does not arise.

In the result, the Writ Petition stands dismissed. It is for the petitioner, if permissible under law, to approach the Authority for relaxation of the age criteria. No costs."

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mrr

Corrected as per order of this Court
dated 15.11.2019 for being menyioned in WP.NO.15540 of 2013.

To

1.ED Asset Manager,
Oil and Natural Gas Corporation Limited,
Cauvery Asset, Karaikal.

2.Chief Manager (HR) R & P,
Oil and Natural Gas Corporation Limited,
Cauvery Asset, Karaikal.

+1cc to Mr.M/s.King & Patridge, Advocate SR.No. 95028
+1cc to Mr.Kavitha Rameshwar, Advocate SR.No. 95062

W.P.No.15540 of 2013

BP co
A.SK(30.06.2021)