

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.11.2017

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18138 of 2010

and

M.P.No.1 of 2010

R.Sakthivel

..Petitioner

vs

- 1.The Secretary to the
Government of Tamilnadu,
Agricultural Department,
Fort St.George, Chennai - 9.
- 2.The Chief Engineer,
Agricultural Engineering Department,
328, Anna Salai, Nandanam, Chennai - 35.
- 3.The Executive Engineer,
Agricultural Engineering Department,
Gandhi Nagar, Tiruvannamalai District.
- 4.The Assistant Executive Engineer,
Agricultural Engineering Department,
Virudhachalam, Cuddalore District.
- 5.The District Employment Officer,
Cuddalore District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to appoint the petitioner herein as Assistant Agricultural Engineering Foreman or any other suitable post in compliance of the order passed in O.A.No.2208 of 2001 on the file of Tamilnadu Administrative Tribunal dated 23.3.2001.

For Petitioner : Mr.C.K.M.Appaji
For Respondents : Mr.R.Vijayakumar
Additional Government Pleader

O R D E R

The relief sought for in this writ petition is for a direction to the third respondent to appoint the petitioner herein as Assistant Agricultural Engineering Foreman or in any

other suitable Post in compliance of the order passed in O.A.No.2208 of 2001 on the file of the Tamil Nadu Administrative Tribunal dated 23.03.2001.

2.The learned counsel appearing on behalf of the writ petitioner made a submission that the writ petitioner had filed an application before the Tamil Nadu Administrative Tribunal with a prayer to direct the respondents to regularize his services as Technical Assistant. However, the Tribunal passed an order on 23rd March 2001, directing the respondents to consider the claim of the applicants for regular appointment as and when vacancy arises. Relying on this order, the learned counsel for the petitioner states that the petitioner sent several representations to the respondents and there was no result in this regard. Thus, the petitioner is constrained to move this writ petition under Article 226 of the Constitution of India.

3.This Court has to consider the legal principle that appointment can never be claimed as a matter of right. All appointments to public employment have to be done only under the Constitutional schemes by following the recruitment rules in force. In the case on hand, the O.A.No.2208 of 2001 was filed by the petitioner in the year 2001 and an order was passed on 23rd March 2001. After a lapse of about nine years, the writ petition is filed on 4th August 2010. This apart, the Tribunal has not issued any positive direction so as to appoint the writ petitioner. The Tribunal has only directed to consider the claim of the writ petitioner. However, the writ petitioner has not pursued the same vigilantly and he has slept over his right. A person, who slept over his right cannot wake up one fine morning and knock the doors of this Court, more specifically, after nine years from the date of the order passed by the Tribunal. Thus, the writ petitioner has not established even a semblance of legal right so as to consider the relief for any direction as such sought for in this writ petition.

4.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

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Virudhachalam, Cuddalore District.
 - 5.The District Employment Officer,
Cuddalore District.
- +1 CC to Mr.C.K.M. Appaji, Advocate sr 82626.
+1 CC to Govt. Pleader sr 82941.

SAI (CO)
SP(07/12/2017)

W.P.No.18138 of 2010

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