

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2017

CORAM

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

W.P.No.27173 of 2004

A.Arumugham

.. Petitioner

Vs.

1.Union of India rep. by
General Manager,
Southern Railway - Head Quarters
Office, Chennai - 3.

2.The Chief Personnel Officer,
Personnel Branch, Southern Railway,
Head Quarters Office, Park Town,
Chennai - 3.

3.Divisional Railway Manager,
Personnel Branch, DRMs Office - Chennai,
NGO Annexe, Park Town,
Chennai - 3.

4.Senior Divisional Personnel Officer
(L& W), Personal Branch,
D.R.M.'s Office, NGO Annexe,
Park Town, Chennai - 3.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the second respondent to give preferential treatment to the petitioner servant employed in Co-operative Stores, Jolarpettai in Group D recruitment in Railways, on par with the concessions conferred on scouts and guides, pursuant to the representation made by the petitioner dated 15.03.2003.

For Petitioner .. Mr.G.Thyagarajan

For Respondents .. No appearance

ORDER

Seeking a direction to the second respondent to give preferential treatment to the petitioner servant employed in Co-operative Stores, Jolarpettai in Group D recruitment in Railways, on par with the concessions conferred on scouts and guides, pursuant to the representation made by him dated 15.03.2003, the present writ petition has been filed.

2.The petitioner is stated to have been appointed as a Clerk cum Cashier in the year 1998 in the co-operative society in Southern Railway on daily wage basis. Applications have been called for to the appointment to Group D posts by the respondents. The petitioner made a representation on 15.03.2003 seeking preferential treatment on the premise that he was working in the Co-operative Society Stores/Society Limited from 1998 onwards.

3.Though there is no instruction forthcoming about the present position, learned counsel appearing for the petitioner would submit that taking note of the factum of employment of the petitioner with the co-operative stores/society, the direction sought for has to be granted.

4.This Court is not inclined to grant the relief sought for. Working in a co-operative society has got no rationale with the appointment to be made by respondents 1 and 2. Further, the petitioner was appointed on a daily wage basis. In the absence of any rule or regulation providing for preferential treatment, no employee can be considered irregularly and absorbed in Group D posts available with respondents 1 and 2.

5.In such view of the matter, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mmi

To

1.The General Manager,
Southern Railway - Head Quarters
Office, Chennai - 3.

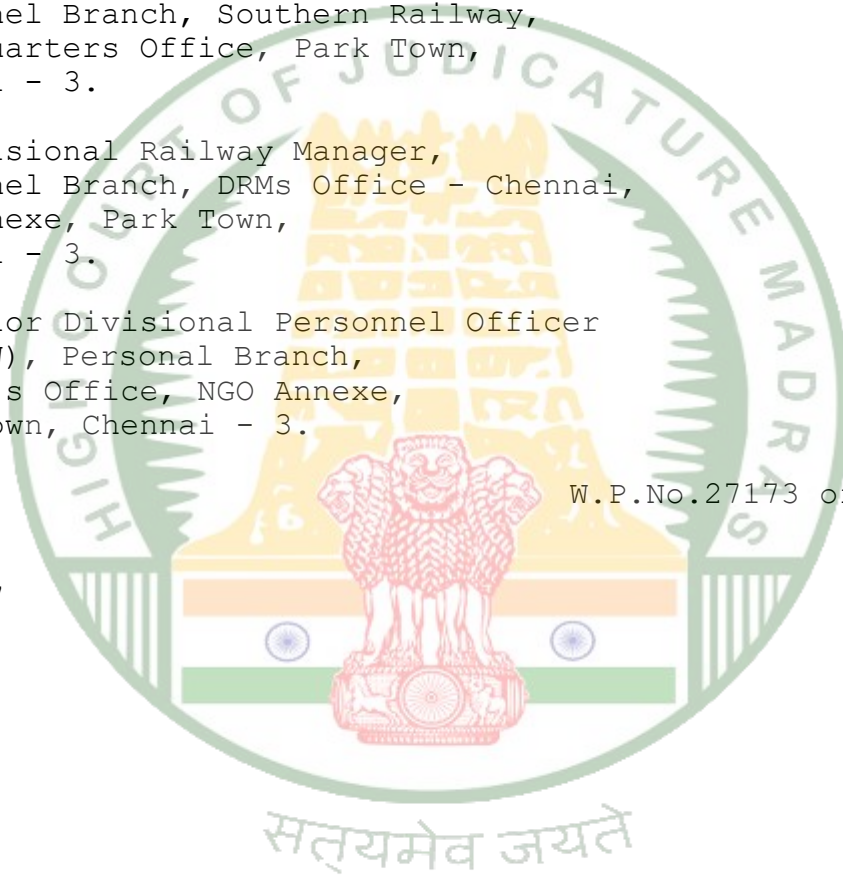
2.The Chief Personnel Officer,
Personnel Branch, Southern Railway,
Head Quarters Office, Park Town,
Chennai - 3.

3.The Divisional Railway Manager,
Personnel Branch, DRMs Office - Chennai,
NGO Annexe, Park Town,
Chennai - 3.

4.The Senior Divisional Personnel Officer
(L& W), Personal Branch,
D.R.M.'s Office, NGO Annexe,
Park Town, Chennai - 3.

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