

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.02.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.3029 of 2018

H.Halvin

...Petitioner

Versus

1. The Government of Tamil Nadu
rep. by its Secretary to Tourism Department,
Fort St. George,
Chennai-9.

2. The Tamil Nadu Tourism Development
Corporation Limited
(A Government of Tamil Nadu Undertaking),
rep. by its Managing Director,
No.2, Wallajah Road,
Chennai-2.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent dated 15.12.2017 in Letter No.3505/N/2017 (directing the petitioner to approach the employment exchange for employment) and to quash the said order dated 15.12.2017 and consequently, directing the respondents to continue the petitioner in service as Reservation Clerk/Booking Clerk/Data Entry Operator/or any other equivalent post with continuity of service from 2005, regularising the petitioner in service as a person having put in more than 10 years of service under the 2nd respondent by January, 2016.

For Petitioner : Mr.M.Kalyanasundaram,
Senior Counsel
for Mr.S.Selvamony

For Respondents: Mr.V.Jayaprakash Narayanan,
Spl. Govt. Pleader for R1
Mr.R.Bala Ramesh for R2

O R D E R

Challenging the letter dated 15.12.2017 issued by the Managing Director, Tamil Nadu Tourism Development Corporation Limited, the 2nd respondent herein, advising the petitioner to

come through Employment Exchange for any appointment since all public employments are filled through the selection process held by a Selection Committee inviting the list of eligible candidates from the Employment Exchange and through Public Advertisement, the present Writ Petition has been filed.

2. Learned Counsel for the petitioner submitted that after passing M.A. Degree in Economics and also getting a Diploma in Tourism and Travel Management and P.G. Diploma in Computer Application and Data Entry Operator Certificate, the petitioner joined the office of the 2nd respondent Corporation as a Booking Clerk for selling tickets in the year 2005, then became Reservation Clerk for conducting torus from the year 2008 and also doing the job of Tour Guide till the year 2016. While so, since the petitioner met with an accident, he applied for leave to the 2nd respondent and he was on leave for three months ending April, 2016. Thereafter, when he approached the 2nd respondent for job, it is informed that his case would be considered in future, if any vacancy arises. The petitioner made a representation on 21.11.2017 enclosing his Bio-Data, Educational Qualification Certificates, Copy of Experience Certificate and Copy of Dependency Certificate and also mentioned that he is the son of an Ex-serviceman. In response to the same, the 2nd respondent sent the letter which is impugned in this Writ Petition informing that all the posts in the Tourism Department in the Office of the 2nd respondent would be filled up only through Employment Exchange. Now the grievance of the petitioner is that he is not a fresh candidate and without giving weightage to his employment I.D.Card which shows that he got registered with the Employment Exchange during 1990, his case has been rejected. Hence the present Writ Petition.

3. Heard Mr.V.Jayaprakash Narayanan, learned Special Government Pleader who takes notice for the 1st respondent and Mr.R.Bala Ramesh, learned Standing Counsel for the 2nd respondent.

4. This Court is unable to find any merit or justification either in the contention made by the learned Senior Counsel appearing for the petitioner or any infirmity in the impugned letter of the 2nd respondent, the reason is that the petitioner is not able to show the appointment order issued by the 2nd respondent or any competent authority. Merely for the reason that the petitioner had worked in a leave vacancy in the respondent department, he cannot ask for fresh appointment.

5. In view of the above, the Writ Petition fails and the same is accordingly dismissed. No costs.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

tsi

To

1. The Secretary to Tourism Department,
Government of Tamil Nadu,
Fort St. George,
Chennai-9.
2. The Managing Director,
The Tamil Nadu Tourism Development
Corporation Limited
(A Government of Tamil Nadu Undertaking),
No.2, Wallajah Road,
Chennai-2.

+ 1 cc to Mr.S.Selvamony Advocate,SR.11266
+ 1 cc to The Govt.Pleader, SR.11746

W.P.No.3029 of 2018

rsy(co)
nr 06/03/2018

सत्यमेव जयते

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