

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

AND

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.A. No. 1860 of 2012

in

MP.No.1 of 2012

P. Sivasuriyan

... Appellant

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Villupuram Division,
Villupuram,
Villupuram District.

2. The General Manager (Operations)
Tamil Nadu State Transport Corporation Ltd.,
Villupuram,
Villupuram District.

... Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 05.08.2011 passed in W.P. No. 25759 of 2009 on the file of this Court.

W.P. No. 25759 of 2009

Writ Petition filed under Article 226 of Constitution of India, praying for the issue of a Writ of Mandamus to direct the respondent (prayer amended as per the order dt:18/12/2009 in MP.3/2009 in WP.25759/2009) to fill up the vacancies to the post of Junior Engineer on the basis of combined employment exchange seniority of all the six districts (Villupuram, Vellore Cuddlore, Tiruvannamalai, Kancheepuram and Tiruvallur) comes within the Jurisdiction limits of Tamil Nadu state Transport Corporation Ltd., Villupuram Division and consequently to direct the respondents to appoint the Petitioner to the post of Junior Engineer on par with junior already appointed as per the employment exchange seniority with all consequent and attendant benefits.

For Appellant : Mr. G. Sankaran

For Respondents : Mr. K. J. Sivakumar for R1, R2

J U D G M E N T

(Delivered by M.M.Sundresh,J.)

This appeal has been preferred by the appellant seeking a direction to fill up the vacancies to the post of Junior Engineer on the basis of combined employment exchange seniority in six districts which come within the jurisdiction of the first respondent.

2. The sum and substance of the grievance of the appellant is that, though the respondent Corporation operates within the jurisdiction of the six districts, candidates have been called for only from the Kancheepuram employment exchange and thereafter posts were filled up.

3. Learned counsel appearing for the appellant would submit that though the learned Single Judge agreed with the contentions raised, the relief has not been granted.

4. The Hon'ble Apex Court has held that restricting the candidates for selection to public employment only through employment exchange is unconstitutional. Therefore, the prayer as sought for by the appellant, cannot be considered. That apart, the candidates selected are working for more than a decade and unfortunately, they are not before us. The vacancies which were available at the relevant point of time have been filled up. Therefore, much water has flown under the bridge. Thus, we are not inclined to interfere with the orders passed.

5. In view of the above, the appeal stands dismissed. No costs. Consequently, M.P.No.1 of 2012 is closed.

सत्यमेव जयते Sd/-

Assistant Registrar(CS VI)

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Sub Assistant Registrar

ssm
To

1. The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Villupuram Division,
Villupuram,
Villupuram District.

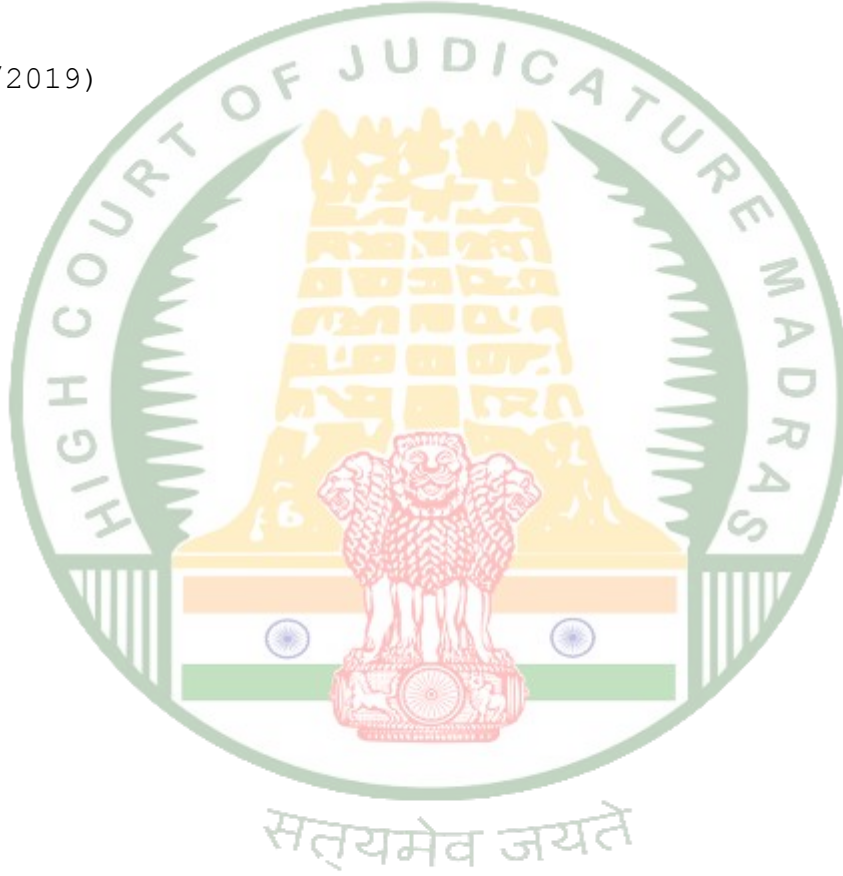
2. The General Manager (Operations)
Tamil Nadu State Transport Corporation Ltd.,
Villupuram,
Villupuram District.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.84241

+1cc to Mr.K.J.Sivakumar, Advocate, S.R.No.84543

W.A. No. 1860 of 2012

SSV(CO)
GSP(24/01/2019)



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