

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14.02.2018
CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.965 of 2018
&
W.P.No.966 of 2018
&
W.MP.Nos.1154 & 1155 of 2018

V.Anandan .. Petitioner in W.P.No.965 of 2018

P.Nainarmoorathi
... Petitioner in W.P.No.966 of 2018

Vs

1. The Chairman Cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai - 600 002.
2. The Chief Engineer/Personal
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai - 600 002.
3. The Commissioner,
Employment and Training,
Guindy, Chennai.

.. Respondents in both WPs

Prayer in W.P.No.965 of 2018:-Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Declaration declaring that the notification issued by the 2nd respondent in the website of TANGEDCO., vide DPR/1000/TENDER/2013 in so far as interview is concerned and the consequential selection list of 4000 Nos of Helper (Trainee) by direct recruitment - 2013-2014 issued by the 1st and 2nd respondents without selecting the petitioners are null and void, illegal and against the Board's proceedings and consequently direct the 1st & 2nd respondents to appoint the petitioners to the post of Helper (Trainee) with all attendant benefits.

Prayer in W.P.No.966 of 2018:-Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Declaration declaring that the notification issued by the 2nd respondent in the website of TANGEDCO., vide DPR/1000/TENDER/2013 in so far as the interview is concerned and the consequential selection list of 4000 Nos of Helper (Trainee) by direct recruitment - 2013-2014 issued by the 1st and 2nd respondents without selecting the petitioners are null and void,

illegal and against the Board's proceedings and consequently direct the 1st & 2nd respondents to appoint the petitioners to the post of Helper (Trainee) with all attendant benefits.

For Petitioner : Mr.V.Govarthanan

For Respondents : Mr.P.R.Dhilip Kumar
Standing Counsel for R1 & R2

: Mr.V.Jayaprakash Narayanan
Special Government Pleader
for R3

C O M M O N O R D E R

The petitioners have approached this Court seeking issuance of a writ of declaration, declaring that the notification issued by the second respondent in the website of TANGEDCO., vide DPR/1000/TENDER/2013 in so far as the interview is concerned and the consequential selection list of 4000 Nos of Helper (Trainee) by direct recruitment 2013-2014 issued by the first and second respondents without selecting the petitioners are null and void, illegal and against the Board's proceedings with a consequential direction to the first and second respondents to appoint the petitioners to the post of Helper (Trainee) with all attendant benefits.

2. Learned counsel for the petitioners, after some arguments, prayed this Court to allow him to withdraw the writ petition, so that the petitioners may be able to approach the respondents 1 & 2 to press their representation.

3. But this Court is not inclined to grant any liberty to the petitioners. The reason is that a settlement was reached before this Court three years ago on 14th October, 2015, on the basis of the terms and conditions mentioned in the memorandum of compromise filed between the appellants/writ petitioners and the respondent-TANGEDCO in W.A.Nos.81 of 2015 etc., agreeing as under:-

"1. The respondent corporation and the appellants & petitioners mutually agreed that the respondent corporation shall appoint the Appellants and Petitioners in the post of ITI Helper (Trainee) in TANGEDCO Service within a time frame fixed by this Hon'ble Court.

2. The respondent corporation and the appellants & petitioners mutually agreed that the appointment to the appellants and petitioners shall be given only after verification of the original certificate.

3. The respondent corporation and the

appellants & petitioners mutually agreed that the Appellants and petitioners shall be appointed in the post of ITI Helper (Trainee) on production of original certified copy of the judgment of this Hon'ble Court along with covering letter affixing the concerned appellant/petitioner photograph from the counsel on record in order to avoid any impersonation and future litigation. No request for seniority, service & other benefits will be entertained.

4. As per the respondent corporation's request, this order will not apply to the persons, who did not approach this Hon'ble Court in time challenging the selection process and that this compromise cannot be treated as a precedent as this order is binding as between the parties on the basis of the consensus reached.

5. The respondent corporation and the appellants & petitioners mutually agreed to bear their respective cost in the above cases."

4. When the agreement aforementioned was reached two and half years ago, merely on the premise that there are vacancies available in the respondent-TANGEDCO, the petitioners cannot come to this Court to get them appointed without facing any selection process. This will only lead to irregular appointments, which is unknown to law. As this has been settled repeatedly by this Court that any vacancy arising in the State service or public sector undertaking or Corporation should be notified to the public and the candidates waiting on the rolls of the employment exchange also should be given a chance to take part in such selection, that would also suffer. Therefore, this writ petition filed belatedly after two and half years, trying to take advantage of the earlier compromise memo dated 14.10.2015, cannot be allowed to be entertained. Accordingly, finding no merit whatsoever, this writ petitions are dismissed. The petitioners are always entitled to take part in the open selection, as and when any notification is issued by the respondents inviting applications from the eligible candidates, if they fulfill the eligibility criteria. Consequently, connected miscellaneous petitions are also dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner,
Employment and Training,
Guindy, Chennai.

+2 ccs to Mr.V.Govarthanan Advocate sr 11297

+2 ccs to Mr.P.R.Dilipkumar Advocate sr 11374, 11375

W.P.No.965 of 2018

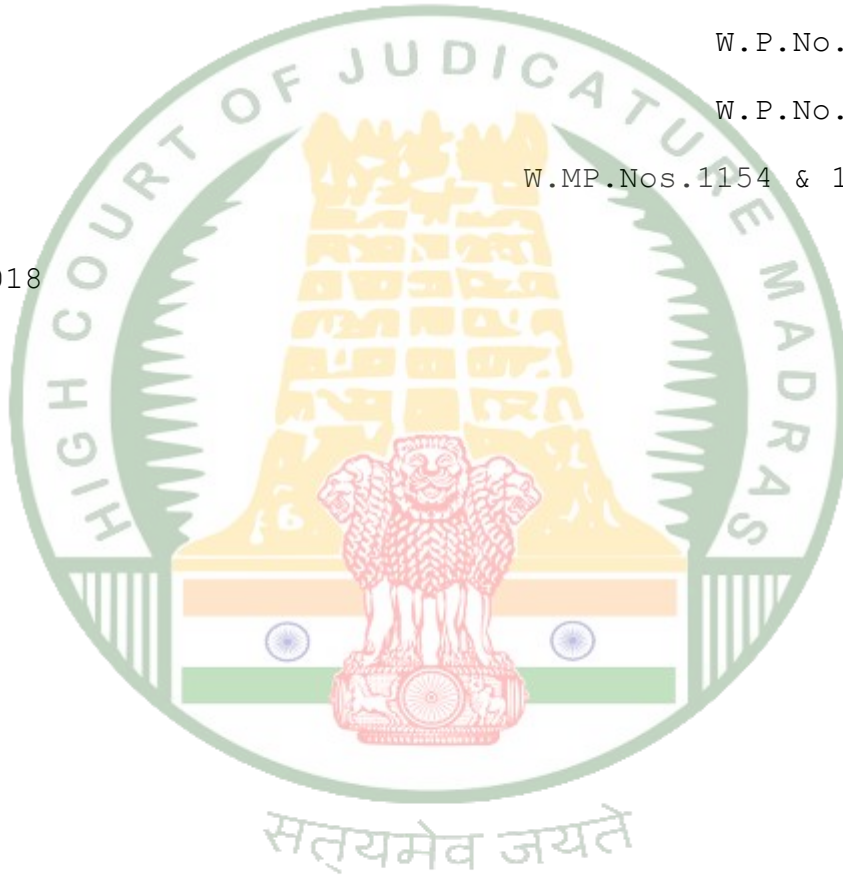
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