

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05-02-2018
CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.34409 of 2017 And
W.M.P. No.38246 of 2017

1.D.S.Kannan
2.C.Jeyakumkar
3.N.Suresh
4.B.Thayappan
5.P.Usharani .. Petitioners

-vs-

1. The Chairman cum Managing Director
TANGEDCO Ltd.,
No.144, Anna Salai
Chennai 600 002.
2. The Chief Engineer/Personnel
TANGEDCO Ltd.,
No.144, Anna Salai
Chennai 600 002
3. The Commissioner
Employment and Training
Guindy,
Chennai
... Respondents

Petition under Article 226 of the Constitution of India, praying for the 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 and consequently direct the first and second respondents to appoint the petitioners to the post of Helper (Trainee) with all attendant benefits.

For Petitioners - Mr.V.Govarthanan

For Respondents-1&2 - No Appearance

For Respondent-3 - Mr.V.Kadhirvelu
Special Government Pleader.

ORDER

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 petition is 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 petition is also dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

svn

To

1. The Chairman cum Managing Director
TANGEDCO Ltd.,
No.144, Anna Salai
Chennai 600 002

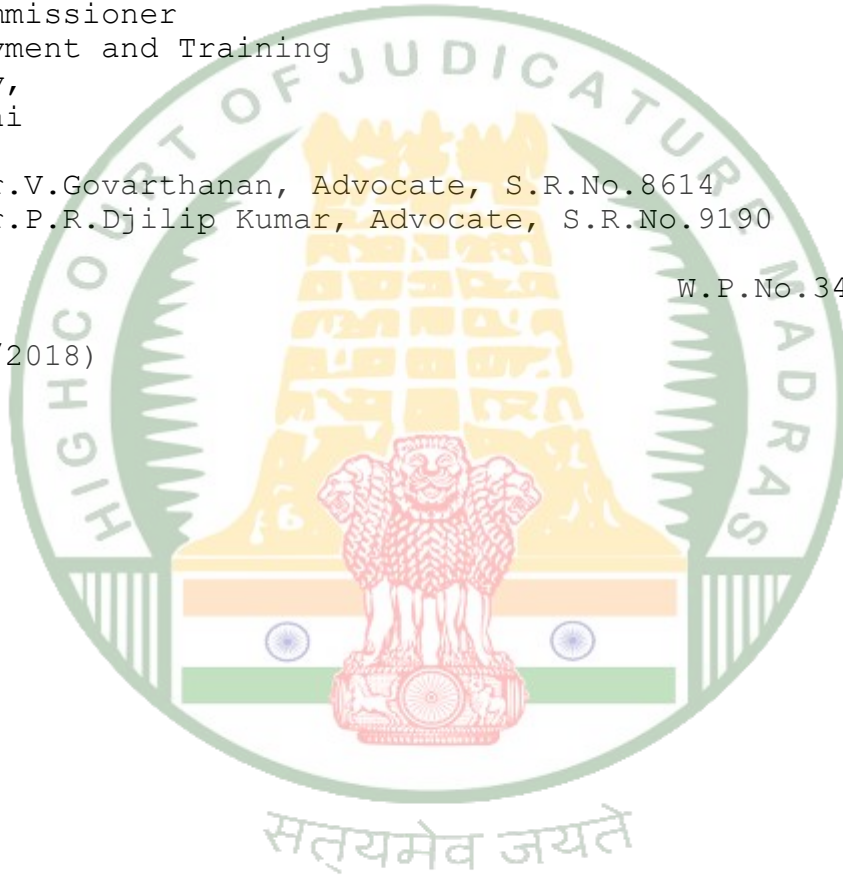
2. The Chief Engineer/Personnel
TANGEDCO Ltd.,
No.144, Anna Salai
Chennai 600 002

3. The Commissioner
Employment and Training
Guindy,
Chennai

+1cc to Mr.V.Govarthanan, Advocate, S.R.No.8614
+1cc to Mr.P.R.Djilip Kumar, Advocate, S.R.No.9190

W.P.No.34409 of 2017

VG II(CO)
RRK(27/02/2018)



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