

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.16251 of 2010

1.A.D.Rajendran
2.S.Dhandapani
3.P.Dhanasekaran
4.K.Ramesh
5.R.Natarajan
6.A.Elumalai

... Petitioners

Vs

1.The Secretary to Government,
Labour & Employment Department,
Chepauk, Chennai-05.

2.The Secretary to Government,
Agriculture Department,
Fort St.George, Chennai-9.

3.The Commissioner of Agriculture,
Chepauk,
Chennai-05.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, to direct the respondents to appoint all the petitioners in any suitable post by way of redeployment based on G.O.(D).No.165, Labour and Employment (A-1) Department dated 27.02.2002, within a stipulated period.

For Petitioners : Mr.R.Prem Narayan

For Respondents : Mr.T.M.Pappiah,

Spl. Govt. Pleader for RR 1 to 3

O R D E R

Heard Mr.R.Prem Narayan, learned counsel for the petitioners and Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondents.

2. The petitioners have approached this Court, seeking the following relief,

"To issue a writ of Mandamus, to direct the respondents to appoint all the petitioners in any suitable post by way of redeployment based on G.O. (D).No.165, Labour and Employment (A-1) Department dated 27.02.2002, within a stipulated period."

3. The case of the petitioners is as follows:-

The petitioners were originally working in the Tamil Nadu Cooperative Oil Seeds Grower's Federation Limited. The said society admittedly closed in the year 2002 and the employees

therein were retrenched, in view of the shutting down of the Society. The termination of the employees was the subject matter of challenge earlier before this Court. The petitioners were unsuccessful till the Hon'ble Supreme Court of India. Thereafter, the present writ petition has been filed in 2010, seeking redeployment in other Government Departments based on the G.O.(D).No.165, Labour and Employment Department, dated 27.02.2002.

4. When the matter is taken up for hearing, it is represented by the learned counsel appearing for the respondents that some of the employees had attained the age of superannuation and the filing of the writ petition itself was after a period of about eight years from the date of the original termination of service. Therefore, the learned counsel would submit that the writ petition hopelessly is hit by latches and not to be entertained by this Court.

5. On the other hand, learned counsel for the petitioners made a valiant attempt to demonstrate before this Court that the issue is still subsisting, in view of the proposal that the employees being employed in the Society and subsequently retrenched on its closure, can be redeployed in any other Government Departments.

6. However, such view cannot be entertained by this Court after a lapse of eight years from the date of the original termination and further pendency of the litigation for about 7 years before this Court. Today, this Court cannot pass any orders of redeployment as any such relief to be granted today, would remain unimplementable, due to long passage of time.

7. Therefore, this Court does not find any subsisting issue for adjudication. Therefore, the writ petition is dismissed. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

gsk

To

1.The Secretary to Government,
Labour & Employment Department,
Chepauk, Chennai-05.

2.The Secretary to Government,
Agriculture Department,
Fort St.George, Chennai-9.

3.The Commissioner of Agriculture,
Chepauk,
Chennai-05.

+1cc to Mr.R.Prem Narayan, Advocate Sr.No.7614
+1cc to Government Pleader SR.No.8405

sm:21.2.2018

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