

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.12803 and 12804 of 2006

K.Sekar ... Petitioner in W.P.No.12803/2006
M.Latha ... Petitioner in W.P.No.12804/2006

Vs.

- 1.The State of Tamilnadu,
rep. by The Chief Secretary,
P & A.R. (P) Department,
Secretariat,
Chennai - 9.
- 2.The District Collector,
Perambalur District,
Perambalur. ... Respondents in both the W.Ps.

Common Prayer:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to absorb the Petitioners in the Govt. Service and appoint them in any suitable post as per the qualification.

For Petitioners : Mr.K.Sannjay
For Respondents : Mr.R.Govindasamy
Special Government Pleader

C O M M O N O R D E R

The petitioners have filed these petitions seeking issuance of Writ of Mandamus directing the respondents to absorb the petitioners in the Government service and appoint them in any suitable post as per their qualification.

2.The case of the petitioners is that they were selected for appointment to the post of Junior Assistant cum Typist in the year 2000-2001 for the purpose of census. Thereafter they were discharged from service in the year 2001 itself.

3.The petitioners further state that in the year 1991 also persons were appointed for the purpose of census and they had also worked for one year. Thereafter, those persons filed

Original Application before the Tamil Nadu Administrative Tribunal and the said Original Application was allowed by the Tamil Nadu Administrative Tribunal. Thereafter, the Government preferred Special Leave Petition before the Hon'ble Supreme Court of India and the Hon'ble Supreme Court confirmed the order passed by the Tamil Nadu Administrative Tribunal. Thereafter, the Government issued G.O.Ms.No.30, P & AR (P) Department dated 16.02.2000 making some modification in G.O.Ms.No.144, P & AR dated 11.08.1999. Thereafter, based on the said Government Order, the first respondent issued G.O.Ms.No.209 dated 23.11.2001 by extending certain concession under the Scheme to absorb the retrenched census employees of the year 1999. The petitioners have filed these writ petitions seeking similar benefit.

4.The petitioners are claiming similar benefit on par with the persons who were engaged for the purpose of census in the year 1991 and the same cannot be considered for the reason in the year 1999, nearly, 2000 employees were appointed by the State Government for census and since they formed themselves as class, they approached the Tribunal for their observation and that was settled by the Hon'ble Supreme Court. Thereafter, the State Government issued Government Orders by complying the order passed by the Hon'ble Supreme Court. That case cannot be equated with the present case. The petitioners herein were specifically engaged for the purpose of census in the year 2000 - 2001 and after the said period, they were discharged from duty. The petitioners were well aware that their service is for only one year and the Government also discharged them from service immediately after the said period.

5.Further, at the time of filing the writ petition, the petitioners were 40 and 35 years respectively, and now after a lapse of 12 years I do not find that anything would survive for adjudication in these writ petitions. Hence, this Court is not inclined to grant the relief sought for by the petitioners.

6.Accordingly, the writ petitions are dismissed. No costs. Consequently, the connected miscellaneous petition is also closed.

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

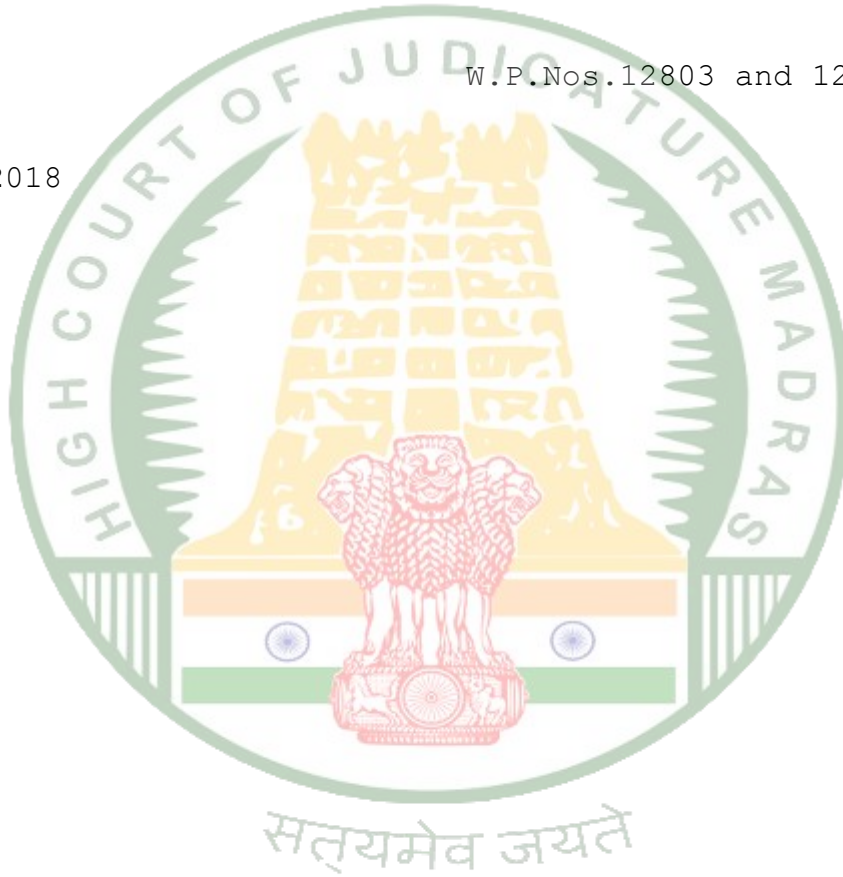
To

1.The Chief Secretary,
The State of Tamilnadu,
P & A.R. (P) Department,
Secretariat,
Chennai - 9.

2.The District Collector,
Perambalur District,
Perambalur.

W.P.Nos.12803 and 12804 of 2006

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