

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2018

CORAM:

THE HON'BLE MR.JUSTICE M. DHANDAPANI

W.P.No.2670 of 2006 and
M.P.No.2769 of 2006

P. Thirumalaisamy

... Petitioner

/Vs/

1.The State of Tamil Nadu,
Represented by the Secretary to Government,
Handlooms, Handicrafts, Textiles and Khadi
Crafts Department,
Secretariat,
Chennai - 600 009.

2.The Tamil Nadu Khadi & Village Industries Board
Kuralagam, Chennai - 600 108,
Represented by the Chief Executive Officer,
Kuralagam,
Chennai- 600 108.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the
Constitution of India, to issue a Writ of Certiorari, to call
for the records of the first respondent in G.O.(Rt) No.198,
H.H.T.K. (F.2) Department dated 28.11.2003 and G.O. (4D) No.1,
H.H.T.K. Department, dated 25.02.2004 and quash the same.

For Petitioner : Mr.D. Dhanasekaran

For Respondent-1 : Mr.R. Govindasamy
Special Government Pleader

For Respondent-2 : Mr.K.Bose

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O R D E R

The writ petitioner has filed this writ petition
challenging the order of Government passed in G.O.(Rt) No.198,
H.H.T.K. (F.2) Department, dated 28.11.2003 and G.O. (4D) No.1,
H.H.T.K. Department, dated 25.02.2004 and to quash the same.

2. The writ petitioner was selected for appointment to the various posts through Employment Exchange on compassionate grounds and he joined the service in Tamil Nadu Khadhi and Village Industries in the place as mentioned in his appointment order, and his services were regularized as an approved probationer and the petitioner was also declared to have completed his probation.

3. The petitioner was under the legitimate expectation that he would be continued in service till the date of superannuation. All of a sudden, the Government took a decision to retrench 862 employees serving therein. Accordingly, the retrenchment order was served on him. The only reason stated in the said Government Order is the financial burden and without even laying down any guidelines, the employees have been directed to be retrenched.

4. Challenging the retrenchment order, he has filed the present writ petition. In similar cases the Hon'ble Division Bench of this Court in W.A.No.308 of 2005 etc., dated 26.04.2006 has declared the Government Orders in G.O.(Rt) No.198, H.H.T.K. (F.2) Department, dated 28.11.2003 and G.O.(4D) No.1, H.H.T.K. Department, dated 25.02.2004 illegal.

5. Accordingly, the Division Bench declared that the employees who have approached this Court by way of writ petitions who are covered under G.O.(Rt) No.198, H.H.T.K. (F.2) Department, dated 28.11.2003 and G.O. (4D) No.1, H.H.T.K. Department, dated 25.02.2004 are entitled to be continued in service.

6. In view of the order passed by the Division Bench of this Court dated 26.04.2006, the present writ petitioner is ordered to continue in service and he shall be taken into service by the department.

7. However, the Chief Executive Officer, Tamil Nadu Khadi and Village Industries Board issued a letter in Rc.No.26677/E1 (2)/2014 stating that among the 8 employees, 5 persons already got retired from Board service, one employee is now under suspension and two employees are in service.

8. In view of the above, nothing survives for adjudication in this writ petition since the writ petitioner was taken into service based on the Division Bench order of this court order, dated 26.04.2006 in the said WAs.

9. Accordingly, the writ petition stands closed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

msm

To

1. The State of Tamil Nadu,
Represented by the Secretary to Government,
Handlooms, Handicrafts, Textiles and Khadi
Crafts Department,
Secretariat,
Chennai - 600 009.
2. The Tamil Nadu Khadi & Village Industries Board
Kuralagam, Chennai - 600 108,
Represented by the Chief Executive Officer,
Kuralagam,
Chennai- 600 108.

+1cc to the Government Pleader, S.R.No.26770

W.P.No.2670 of 2006

NA(CO)
CS/04/06/18

सत्यमेव जयते
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