

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.Nos.5591 and 5592 of 2018

S.Ramesh
V.Karnesh

... Petitioner in W.P.5591/2018
... Petitioner in W.P.5592/2018

Vs

- 1.The Chairman-cum-Managing Director,
TANGEDCO Limited, No.144, Anna Salai,
Chennai-2.
2. The Chief Engineer/Personal TANGEDCO Limited,
No.144 Anna Salai, Chennai-2.
3. The Commissioner,
Employment and Training,
Guindy, Chennai. ... Respondents in both W.Ps.

Prayer: Petitions filed under Article 226 of the Constitution of India, to 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 Numbers 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 respondents 1 and 2 to appoint the petitioners to the post of Helper (Trainee) with all attendant benefits.

For Petitioners : Mr.R.Chandramohan
in both WPs

For Respondents : Mr.P.R.Dhilipkumar,
1 and 2 in both WPs

For 3rd respondent: Mr.N.Sakthivel, AGP
in both WPs

O R D E R

The Writ Petitions have been filed by the petitioners seeking 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 Numbers of Helper (Trainee) by direct recruitment - 2013-2014 issued by the 1st and 2nd respondents without selecting the petitioners, are null, void, illegal and against the Board's Proceedings and

consequently, direct the respondents 1 and 2 to appoint the petitioners to the post of Helper (Trainee) with all attendant benefits.

2. Heard Mr.P.R.Dhilipkumar, learned Counsel appearing for the respondents 1 and 2 and Mr.N.Sakthivel, learned Additional Government Pleader appearing for the 3rd respondent.

3. Similar prayer has been considered by me in W.P.No.34409 of 2017 by an order dated 5.2.2018. It is relevant to extract paragraph 4 of the said order hereunder :

''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 this 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.''

4. In the light of the paragraph 4 of the order made in W.P.No.34409 of 2017 dated 5.2.2018, the Writ Petitions are dismissed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

tsi

To

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

+1cc to Government Pleader Sr.No.19227

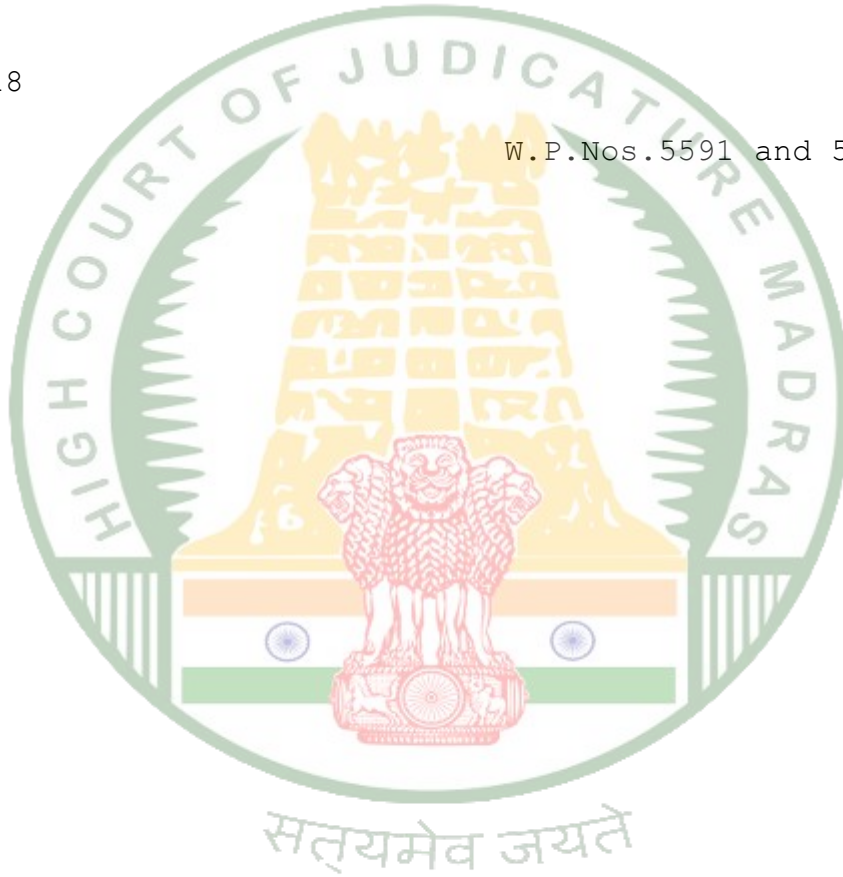
+1cc to Mr.P.R.Dhilipkumar, Advocate Sr.No.19059

+2cc to Mr.R.Chandramohan, Advocate sR.No.18670

PA (CO)

sm:3.4.2018

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