



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2018

CORAM:

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

W.P. (MD) .No.140 of 2015

and M.P. (MD) .Nos.1 & 2 of 2015

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M.Pandi

.. Petitioner

-Vs-

1.The Managing Director,
Tamilnadu State Transport Corporation,
(Kumbakonam) Limited,
Kumbakonam.

2.The General Manager,
Tamilnadu State Transport Corporation,
(Kumbakonam) Limited,
Karaikudi Region, Karaikudi,
Sivagangai District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Certiorarified Mandamus calling for the records pertaining to the impugned notification issued by the 1st respondent in 02/KUM/2014 published in Dinathanthi, dated 02.11.2014 and quash the same in so far as the fixation of age limit is concerned and direct the respondents to appoint the petitioner to the post of Conductor in the respondent corporation.

For Petitioner : Mr.N.Rahamadullah

For Respondents : Mr.D.Sivaraman

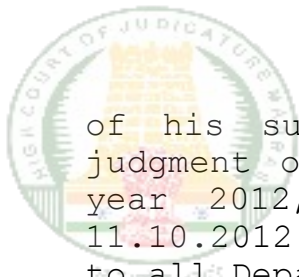
Standing counsel

ORDER

The petitioner has come forward with this writ petition for issuance of a Writ of Certiorarified Mandamus quashing the impugned notification issued by the 1st respondent in 02/KUM/2014 published in Dinathanthi, dated 02.11.2014 in so far as the fixation of age limit is concerned and direct the respondents to appoint the petitioner to the post of Conductor in the respondent corporation.

2.The writ petitioner, who applied for the post of conductor in the Transport Corporation, was more than 40 years old on the date of application. The notification for the recruitment prescribed the upper age limit as 40 by relying upon G.O.Ms.No.98 Personnel and Administrative Reforms (P) Department, dated 17.07.2006, which taking into consideration the moratorium of recruitment to the previous years, relaxed the age limit by 5 years.

3.The case of the writ petitioner is that since he is entitled for the relaxation of the age by virtue of G.O.Ms.No.98 Personnel and Administrative Reforms (P) Department, dated 17.07.2006, his candidature ought to be considered by the respondents. In support



of his submission, the learned counsel has also relied upon a judgment of this Court rendered in a batch of cases filed in the year 2012, wherein the Honourable Judge vide his order dated 11.10.2012 has held that 5 years age relaxation should be applicable to all Departments including the Transport Corporation.

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4.The learned standing counsel would rely upon the subsequent judgment of this Court rendered by the Honourable Mr.Justice T.Raja in a batch of Writ petitions in W.P.(MD).No.20621 of 2014, dated 18.12.2014, wherein it has been held that the petitioner, who has crossed 40 years of age, cannot claim the advantage of G.O.Ms.No.98 Personnel and Administrative Reforms (P) Department, dated 17.07.2006.

5.On the factual matrix of this case, G.O.Ms.No.98 Personnel and Administrative Reforms (P) Department, dated 17.07.2006 was issued as one time measure to provide opportunity for the candidates who had no chance of getting a Government employment in the State of Tamilnadu due to moratorium in recruitment which was a bar for nearly 5 years between 2001 and 2005. So far as this relaxation is concerned, whether it was perpetual or perennial, it was only to tie over one of the ill effect of moratorium in recruitment. The notification under which the writ petitioner seeks employment is dated 02.11.2014 nearly eight years after lifting of the ban on recruitment. In the said circumstances, the one time relaxation given in the year 2006 cannot be extended to the year 2014. For that reason, this Court is not convinced by the submissions made by the writ petitioner.

6.Accordingly, this Writ Petition is dismissed. No order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(RECORDS)

/True Copy/

Sub Assistant Registrar(CS-III)

• 1 CC TO Mr.D.SIVARAMAN , ADVOCATE IN SR No. 94569.

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