



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2018

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WEB COPY

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.20970 of 2014
and
M.P(MD)No.1 of 2014

G.Pitchaimuthu

... Petitioner

-vs-

1.The Deputy General Manager,
Human Resources Department,
Bharat Heavy Electricals Ltd.,
Trichy-620 014.

2.BHEL Ex-Apprentice Association,
No.11/22, Thendral Nagar,
Thiruverambur,
Trichy-620 013.

3.The Employment Officer,
The District Employment Office,
Employment & Training Department,
Trichy-620 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first respondent, dated 23.08.2014 in his Order No.TP.HR.R.Ex.App and quash the same and to direct the first respondent to absorb the petitioner as Machinist as per the direction of the Hon'ble Supreme Court, dated 03.12.2013 and as per the application submitted by the petitioner dated 14.02.2014 and to pay all monetary benefits.

For Petitioner

: Mr.A.S.Mujibur Rahman

For R1

: Mr.A.V.Arun

For R3

: Mr.M.Muthu

Addl. Govt. Pleader

For R2

: No Appearance

O R D E R

The relief sought for in this writ petition is to call for the records relating to the impugned order passed by the first respondent, dated 23.08.2014 and quash the same and to direct the first respondent to absorb the petitioner as Machinist as per the direction of the Hon'ble Supreme Court, dated 03.12.2013, as per the application submitted by the petitioner dated 14.02.2014.



2. On a perusal of the impugned order, dated 23.08.2014, the respondents have stated that the details and the certificates produced by the writ petitioner along with his application were verified. The respondents could not establish the identity of the writ petitioner and the same was already conveyed to the writ petitioner in letter No.TP.HR.Law.Ex.Apps, dated 15.04.2014 itself. In spite of that, an opportunity was provided to the writ petitioner to furnish the additional details and documents, if any, to prove his identity. Accordingly, the writ petitioner also submitted the additional documents to the respondents. Thus, the additional documents filed by the writ petitioner were also verified by the respondents and in spite of the additional documents, the respondents are unable to establish the identity of the writ petitioner, since there are certain discrepancies. Thus, the writ petitioner was disqualified to claim for absorption on the ground that (1) Apprenticeship Admission number is not given in the Court list, (2) Trade given in your application does not tally with the trade given in the Court list (3) Initial mentioned in your application form does not tally with the initial mentioned in the Court list. On account of the above grounds, the application of the writ petitioner has been negatived.

3. The learned counsel appearing on behalf of the respondents made a submission that the Hon'ble Supreme Court has granted the relief subject to the verification by the appellants about the identity of 124 ex-apprentices as mentioned in Annexure-3 at 28 to 32 of Volume-II, Additional documents, dated 07.08.2009, who were below 40 years of age as on 05.11.2007 (the date of filing the writ petition) shall be absorbed by the Bharat Heavy Electricals Limited, Trichy Unit. This is however, subject to the fitness of the above eligible ex-apprentices. The entire exercise in this connection shall be completed on or before 30.04.2014. Thus, the Hon'ble Supreme Court of India has categorically directed that the absorption would be subject to the verification by the respondents management. In the present case, an initial verification was done and there was certain discrepancies in respect of the documents submitted by the petitioner and an opportunity was also provided to the petitioner, who in turn also submitted the additional documents. Even after verification of the additional documents, the Management is unable to confirm the identity of the writ petitioner, as to extend the benefit granted by the Hon'ble Supreme Court of India. Thus, this Court is of the opinion that now in the present writ petition, this Court cannot go into the merits in respect of identity of the writ petitioner and further, the writ petitioner even at the time of filing the present writ petition, was aged 45 years and now he would be aged about 49 years. This being the factum, the relief as such sought for in this writ petition cannot be granted.



4. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

/True Copy/

Sd/-
Assistant Registrar (CSI)

Sub-Assistant Registrar

To

The Employment Officer,
The District Employment Office,
Employment & Training Department,
Trichy-620 001.

+One cc to The Special Government Pleader, SR.No.43666

+One cc to M/s.A.V.Arun, Advocate, SR.No.43121

+One cc to M/s.A.S.Mujibur Rahman, Advocate, SR.No.43392

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RL/5C/3P/MR/SAR4/31/1/2018

W.P. (MD) No.20970 of 2014

22.01.2018