



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2018

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)No.6880 of 2011
and
M.P(MD)No.1 of 2011

National Ex-Servicemen
Co-ordination Committee,
Tamil Nadu TNCC, Alangulam,
Virudhunagar District,
Rep. By Secretary,
K.Velusamy.

... Petitioner

Vs

- 1.Union of India,
Rep. By its Secretary to Government,
Department of Ex-Servicemen,
Welfare, Ministry of Defence,
New Delhi-1.
- 2.The Director General of Re-settlement,
Government of India,
Ministry of Defence,
West Block-IV,
R.K.Puram,
New Delhi-1.
- 3.The Secretary,
Government of India,
Ministry of Heavy
Industries & Public Enterprises
Department of Public Enterprises,
Block No.14, CGO Complex,
Lodhi Road, New Delhi-3.
- 4.The Secretary to Government,
Public (Ex-Servicemen) Department,
Secretariat,
Chennai-9.
- 5.The Tamil Nadu Ex-Servicemen
Corporation Ltd., (TEXCO),
(Govt. of Tamil Nadu undertaking),
2, West Mada Street,
Sri Nagar Colony,
Saidapet, Chennai.



6. Bharath Sanchar Nigam Ltd., (BSNL),
Rep. Through its,
The Chief General Manager,
Chennai Telephones,
78, Purasaiwalkam High Road,
Chennai-600 010.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing all the Respondents to provide permanent employment at the pay scale fixed by the second respondent to the members of our Ex-Servicemen members to protect the lives of Ex-Servicemen and their families.

For Petitioner	: Mr.P.Mahendran
For R1 to R3	: Mr.J.Jeyakumaran
For R4	: Mr.R.Sethuraman
	Special Government Pleader
For R5 & R6	: No Appearance

ORDER

The relief sought for in this writ petition is to direct all the respondents to provide permanent employment at the pay scale fixed by the second respondent to the members of our Ex-Servicemen members to protect the lives of Ex-Servicemen and their families.

2. The writ petitioner is a National Ex-Servicemen Co-ordination Committee, Tamil Nadu TNCC, Alangulam, Virdhunagar District. The grievances of the writ petitioner is that the members of the committee, who are all the Ex-Servicemen, are not getting permanent employment after their retirement from Defence Department. However, the prayer in general sought for cannot be granted. The State is providing quota for Ex-Servicemen for certain recruitments. Thus, wherever such preferences are provided, it is left open to the members of the petitioner's Committee to avail such preference. However, this Court cannot issue any direction for creation of quota, which is the policy of the State and wherever such facilities are available, the same can be availed by the members of the writ petitioner committee. There cannot be any such direction to provide permanent employment to the Ex-Servicemen members. The Ex-Servicemen are already served in the Indian Army and retired and receiving Pension from the Government of India. Such being the fact, further employment is a concession provided by the State. Thus, such concession can never be construed as a legal right. A concession can be provided in accordance with its terms and conditions and as per the quota for preference provided in the recruitment notification. Such being the factum of the case, this Court is of an opinion that the writ petitioner has not established any legal rights so as to issue any direction to provide permanent employment in the time scale of pay to the Ex-Servicemen members.



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

Sd/-

Assistant Registrar (CS-I)

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/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Union of India,
Department of Ex-Servicemen,
Welfare, Ministry of Defence,
New Delhi-1.
2. The Director General of Re-settlement,
Government of India,
Ministry of Defence,
West Block-IV, R.K.Puram, New Delhi-1.
3. The Secretary,
Government of India,
Ministry of Heavy
Industries & Public Enterprises
Department of Public Enterprises,
Block No.14, CGO Complex,
Lodhi Road, New Delhi-3.
4. The Secretary to Government,
Public (Ex-Servicemen) Department,
Secretariat, Chennai-9.
5. The Chief General Manager,
Bharath Sanchar Nigam Ltd., (BSNL),
Chennai Telephones,
78, Purasaiwalkam High Road,
Chennai-600 010.

+1cc to M/S.P.Mahendran, Advocate SR.No. 45641
+1cc to Special Government Pleader, SR.No. 45517

W.P (MD) No. 6880 of 2011
31.01.2018

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JM/JC/SAR 2/16.02.2018/3P/8C

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