

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.11495 of 2015

T.Raji

.. Petitioner

Vs

1.The Secretary
Transport Department
Fort. St.George
Chennai-600 009

2.The District Employment Exchange
Krishnagiri District
Krishnagiri

3.The Tamil Nadu State Transport Corporation (Salem)
Rep. By its General Manager
Salem-636 007

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus directing the respondents to consider the petitioner's claim for appointment to the post of Conductor in pursuance of the interview held in the month of December, 2014, if necessary, by relaxing the rules.

For Petitioner :Mr.M.Padmanabhan

For Respondents: Mrs.K.Bhuvaneswari,
AddlGovt.Pleader for R1
Mr.B.Anand, Govt.Advocate for R2
Mrs.Rajeni Ramadoss for R3.

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ORDER

The writ petitioner is stated to have undergone training for the post of Driver and registered his name with the Employment exchange, Krishnagiri in the year 1987. It is further averred in the writ petition that he was called for interview and was made to work as Conductor for one week and thereafter relieved. According to the petitioner, his juniors in employment exchange got appointment in transport department and made regular. But, when the petitioner approached the Employment exchange, he was told that interview card will be sent to him. It is the grievance of the petitioner that his

name was sponsored only in the month of December 2014, and at that time, he was 47 years old. The petitioner's apprehension is that even though he attended interview, he was not selected due to his age and therefore, seek relaxation of age criteria and seeking to consider his claim for appointment to the post of Conductor, by relaxing the Rules.

2. The learned Standing counsel for the 3rd respondent Transport Corporation submits that writ petitioner is not eligible for selection to the post of Conductor for the reason that the writ petitioner has crossed the age of 40 years and even assuming that as per G.O.Ms.No.98 Personnel and Administrative Reforms(s) Department, dated 17.07.2006 age relaxation is granted and in that event also, the petitioner will not be eligible for the selection as the Government Order in this regard specify only 5 years age relaxation for selection. In this case, the petitioner after attaining 47 years of age, in the year 2015, approached this court, seeking relaxation and claim of appointment, which cannot be considered at this distant point of time.

3. G.O.Ms.No.98 Personnel and Administrative Reforms(s) Department, dated 17.07.2006, granted 5 years age relaxation to the candidates, who suffered non-appointment during the ban period from 2001 to 2006. Further, the Government considered the cases and granted 5 years age relaxation upto the year 2011. The said 5 years relaxation granted by the Government had already been lapsed in the year 2011. Therefore, the said benefit of further age relaxation cannot be granted to the writ petitioner, who approached this court who received the Interview Call Letter dated 02.12.2014.

4. Therefore, taking into consideration the facts and circumstances of the case and the G.O.Ms.No.98 Personnel and Administrative Reforms(s) Department, dated 17.07.2006, this court is of the view that the writ petitioner has approached this court very belatedly and hence, on the ground of laches, the writ petition is liable to be dismissed. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

nvsri

To

1.The Secretary
Transport Department
Fort. St.George
Chennai-600 009

2.The District Employment Exchange
Krishnagiri District
Krishnagiri

3.The General Manager,
Tamil Nadu State Transport Corporation (Salem)
Salem-636 007

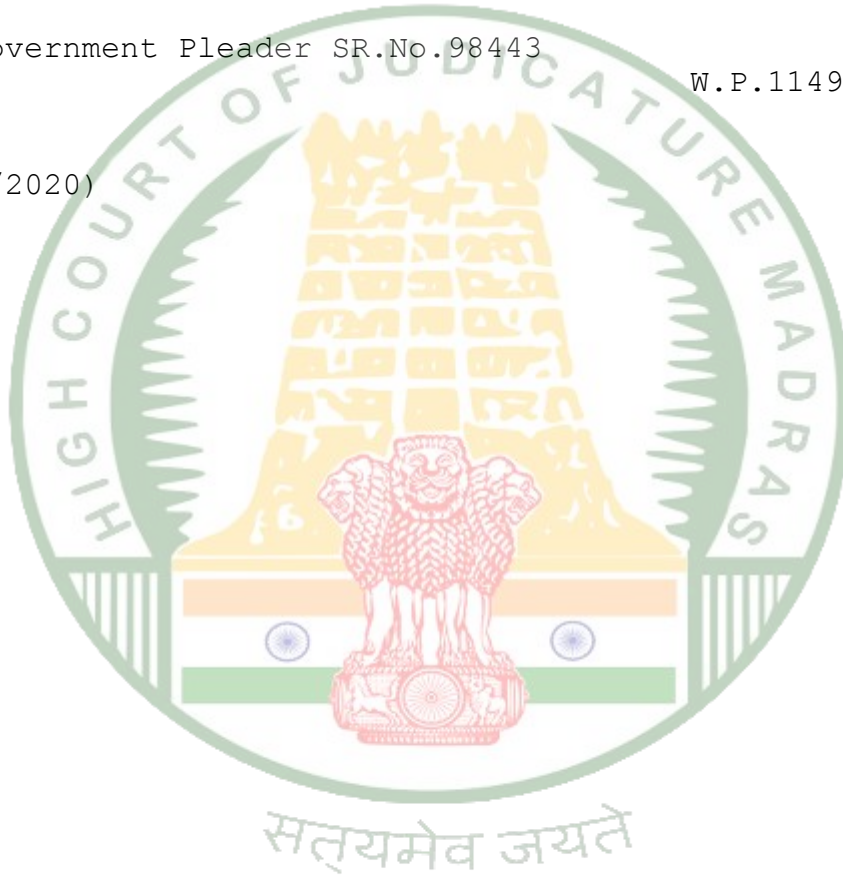
+1cc to Mr.Rajeni Ramadoss, Advocate SR.No.98518

+1cc to Ms.Lessi Saravanan, Advocate SR.No.98293

+1cc to Government Pleader SR.No.98443

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RJI (CO)
GMY (14/02/2020)



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