

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.10333 of 2010

1 D.MURUGAN
2 P.GUNASEKAR
3 G.ANANDARAJ
4 T.GURUPATHAM JOSHEP RAJ ... Petitioners

...Vs...

1 THE SECRETARY TO GOVERNMENT
TRANSPORT DEPARTMENT SECRETARIAT CHENNAI-9.
2 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION LTD
COIMBATORE DIVISION 37 METTUPALAYAM ROAD
COIMBATORE-641 029.
3 THE DISTRICT EMPLOYMENT
OFFICER DISTRICT EMPLOYMENT OFFICE
COIMBATORE-641 029.
4 THE DISTRICT EMPLOYMENT
OFFICER DISTRICT EMPLOYMENT OFFICE ERODE
5 THE DISTRICT EMPLOYMENT
OFFICER DISTRICT EMPLOYMENT OFFICE OOTY
THE NILGIRIS DISTRICT. ... Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a writ of Mandamus to consider the petitioners for appointment to the post of Conductors in the second respondent Division on the basis of employment exchange seniority by following the age limit of 40 years for Backward Class Community and Most Backward Class Community and 35 years for Other Communities.

For Petitioner : Mr.A.Sriram

For Respondents: Mr.T.Chandrasekaran for R2.
Mr.A.Ansar for R1, R3 to R5.

ORDER

The petitioners registered their name in the third respondent-employment exchange in the year 1992 and renewed the said registration in the subsequent years. According to the petitioners, the second respondent Transport Corporation, Coimbatore Division is having jurisdictional limits in three districts viz., Coimbatore, Erode and Nilgiris Districts. The second respondent has taken steps to fill up the vacancies of Drivers and Conductors and also relaxed the age by 5 years in each category for recruitment vide G.O.Ms.No.57 Transport Department dated 21/07/2005.

2. The grievance of the petitioners is that even though 46 vacancies were allotted for Coimbatore District and their employment seniority existed, persons having registered their names in the employment exchange in the year 2006-2007 from Erode and Nilgiris District were given appointment. It is averred in the writ petition that right from the date of registration, the petitioners have not received any call letter for interview till date and the petitioners have not been given any opportunity to participate for selection to the post of Conductors, but overlooking them, the second respondent transport corporation appointed several hundreds of vacancies in Coimbatore District by appointing persons from other District.

3. The learned counsel for the petitioners relied upon the order of this court passed in W.P.(MD).Nos.7439 of 2009 etc batch dated 20.08.2010, wherein, this court has pointed out that when relaxation of upper age limit is available to the petitioners, the respondent Corporation is bound to relax the upper age limit.

4. The learned counsel for the petitioners would submit that in the light of the aforesaid order passed in W.P.(MD).No.7349 of 2010 etc batch, the writ petitioners are also entitled for the relief for appointment to the post of Conductor in the respondent corporation.

5. The 2nd respondent filed counter affidavit. The learned Standing counsel appearing for the 2nd respondent reiterating

the averments made in the counter affidavit submits that the averments of the petitioners that their right of appointment was negatived is not true and that the prayer of the petitioners to give relaxation of age exclusively to Coimbatore District is not sustainable. He further submits that in contrary to the order passed in W.P.(MD).Nos.7349 of 2010 etc batch dated 20.08.2010 relied on by the petitioners, in the present case, the petitioners have not furnished the particulars of date of registration of their names in the employment exchange and thereby, to verify as to whether they can come within the cut off date for appointment to the post of conductor, is not at all possible.

6. In the counter affidavit, it is further submitted that 5 years relaxation for the upper age limit was extended by the Government as per Transport (C1) Department Lr.No.1316/C1/2007-1 dated 25.02.2007 and at the time of notification being sent to Coimbatore Employment Exchange, 5 years age relaxation was invoked.

7. In the light of the stand taken by the second respondent in their counter affidavit and also considering the facts and circumstances of the case, this court is of the view that the petitioners could not be granted any relief by this court as they have not furnished vital particulars in the affidavit and typed set of papers filed in the Writ Petition, to substantiate thier claim. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

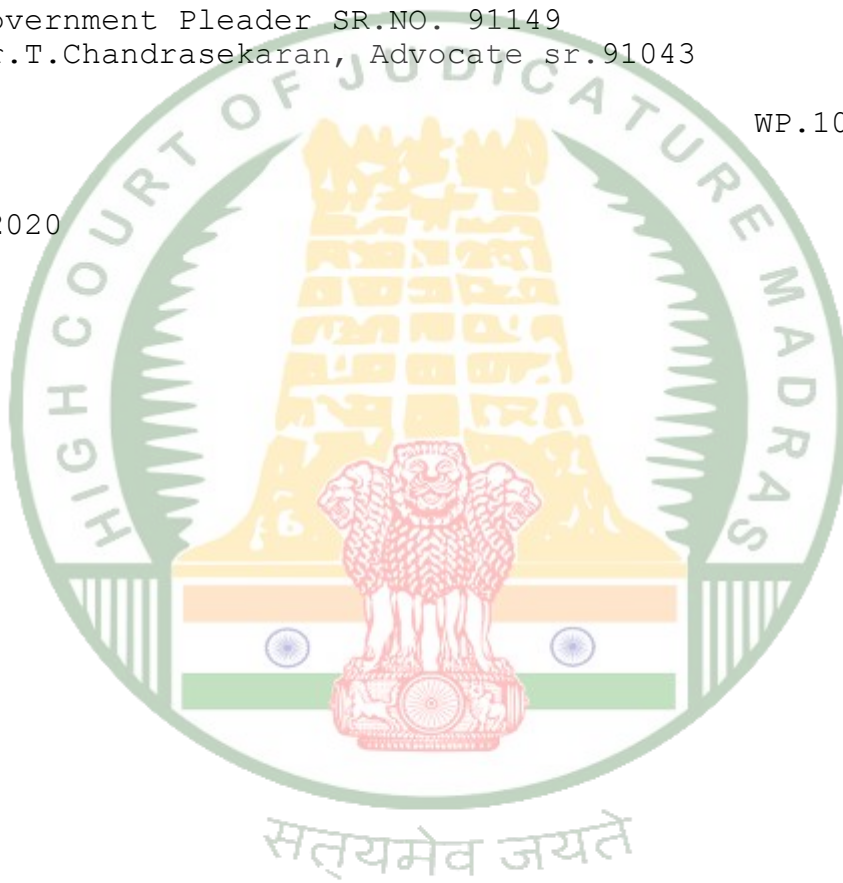
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THE NILGIRIS DISTRICT.

+1cc to Government Pleader SR.NO. 91149
+1cc to Mr.T.Chandrasekaran, Advocate sr.91043

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