

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.10.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.29980 of 2019
and
W.M.P.No.29879 of 2019

Tamil Nadu Electricity Board Contract Labour Union,
Reg.No.3615/CNI,
No.4, Mariyananayagam 1st Street,
Perambur, Chennai - 11,
Rep by its President,
Mr.Muthupandi

...Petitioner

..Vs..

- 1.The Managing Director,
Tamil Nadu Generation and Distribution
Corporation (TANGEDCO),
Chennai.
- 2.The Chief Engineer/Personal,
Tamil Nadu Generation and Distribution
Corporation (TANGEDCO),
Chennai.

...Respondents

Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to re-open and to permit the petitioner association members in official website portal from 16.09.2019 to 20.09.2019 for registering purpose and to consequently directing the respondents to appoint the eligible person as Gangman vide notification issued by the first respondent in Notification No.1/2019 dated 07.03.2019 for the post of GANGMAN (TRAINEES).

For Petitioner : Mr.M.Dinesh

For Respondents: Mr.Anand Gopalan,
for M/s.T.S.Gopalan & Co.

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondent to reopen and to permit the petitioner association members in official website portal from 16.09.2019 to 20.09.2019 for registering purpose and to consequently directing the respondents to appoint the eligible person as Gangman vide notification issued by the first respondent in Notification No.1/2019 dated 07.03.2019.

2.The respondent issued Notification No.1/2019 dated 07.03.2019 notifying the applications from the eligible candidates through online mode for direct recruitment to the post of Gangman (Trainee). The number of vacancies notified was 5,000 and the Notification was issued to recruit consolidated pay employees.

3.The learned counsel appearing on behalf of the petitioner states that the writ petitioner/Union is engaged with negotiations and under such circumstances, the members of the Association may be granted with one more opportunity to submit their application for recruitment to the post of Gangman (Trainee).

4.The learned counsel appearing on behalf of the respondent objected the contentions by stating that the last date was over long back and again it was extended, considering the fact that the applications were directed to submit through online and they have received complaints that some candidates were not well-versed with the Computer applications and considering their plight, the Board decided to extend the time limit for submitting applications. Accordingly, the Members of the petitioner/union as well as other eligible candidates were permitted to submit their applications through online mode till 17.06.2019. In other words, the last date for submitting applications was 17.06.2019. The necessary fee prescribed is to be paid on or before 19.06.2019. The learned counsel appearing on behalf of the respondent states that writ petition itself is listed for admission on 22.10.2019, after the expiry of the last date and thereafter, the relief sought for became infructuous.

5.This Court is of the considered opinion that fixing criterias like requisite qualifications as well as the last date for receiving applications are the administrative prerogative of the competent authorities and the High Court cannot interfere with the proceedings. A recruitment notification can be challenged only if the terms and conditions stipulated in such recruitment notification are in violation of the recruitment rules in force or some of the procedures are unconstitutional.

In all these circumstances, the employer concerned is empowered to fix the requisite qualifications, age and other criterias for appointment to a particular post. The Courts cannot interfere with the terms and conditions stipulated by the employer for recruitment to a particular post.

6.This being the legal principles to be followed, the last date was already extended twice and finally the last date was fixed as 17.06.2019 and the fee should be paid on or before 19.06.2019 and under these circumstances, the case of the writ petitioner cannot be considered at all. The learned counsel appearing on behalf of the writ petitioner made a submission that the petitioner/Union is negotiating the issues with the Management. This Court is in no way connected with the issues and it is left open to the writ petitioner to approach the Authorities if any other grievances established in this regard.

7.Accordingly, the writ petitioner has not established any legal ground, the relief as such sought for cannot be considered and the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Managing Director,
Tamil Nadu Generation and Distribution
Corporation (TANGEDCO),
Chennai.

2.The Chief Engineer/Personal,
Tamil Nadu Generation and Distribution
Corporation (TANGEDCO),
Chennai.

+1cc to M/s.T.S.Gopalan & Co., Advocate Sr.90175
+1cc to Mr.M.Dinesh, Advocate Sr.89799

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and

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pvs[co]
srg 05/12/2019