

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 04-02-2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI

AND

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAHN

W.P.No.12464 of 2017

G.A.Jagannathan ... Petitioner

-vs-

- 1.Union of India, represented by
Chief Secretary to Government,
Government of Puducherry,
Puducherry.
- 2.Managing Director,
Puducherry Tourism Development Corporation Limited,
40, Goubert Avenue (Beach Road),
Puducherry-605001.
- 3.Chairman,
Puducherry Tourism Development Corporation Limited,
40, Goubert Avenue (Beach Road),
Puducherry-605001. ... Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, forbearing the respondents from utilising the services of tourist guards and other unqualified drivers for driving boats in the boat house owned by the Corporation and consequently direct the respondents to engage qualified persons to drive the boats in the boat houses and engage sufficient number of life guards in the boat house.

For petitioner : Mr.M.Gnanasekar

For respondent 1 : Mrs.V.Usha

For respondents 2 & 3 : Mr.D.Bharatha Chakravarthy

ORDER

[Order of the Court was made by Dr.Vineet Kothari,J.]

The petitioner Mr.G.A.Jagannathan, son of Mr.Govindhasamy, has filed this Writ Petition in Public Interest Litigation jurisdiction of this Court on 09.05.2017, seeking a direction to the respondents, namely, Puducherry Tourism Development Corporation Limited, not to engage unqualified drivers for driving boats in the Boat House, owned by the said Corporation, and also to engage sufficient number of Lifeguards in the Boat House for the security of the tourists visiting the said place.

2. Upon issuance of notice, a detailed Counter Affidavit has been filed by the respondent Corporation on 10.06.2017, wherein, inter alia, the respondents have questioned the bona fides and locus standi of the petitioner, who is stated to be a Trade Union leader and is seeking a back door entry for his members in the position of Lifeguards, who were earlier so engaged without any prescribed qualifications. The respondents, in their Counter Affidavit, have clearly stated in Paragraph 6 that no unqualified persons are permitted to drive the boats and sufficient number of Lifeguards are also on duty, depending upon the number of tourists visiting the place. The respondent Corporation has categorically stated that there is only one authorised institution, namely, National Institute of Water Sports (NIWS) in Goa, that can issue Certificates of qualification for Boat Drivers and the recruitment process of Boat Drivers by the respondent Corporation has been undertaken strictly in accordance with the recruitment rules in force. In substance, they have denied all the allegations of the petitioner made in the Writ Petition and have stated that adequate Lifeguards are in place and also an adequate number of qualified Boat Drivers have been engaged by the respondent Corporation to provide security to the tourists.

3. Mr.M.Gnanasekar, learned counsel for the petitioner, has relied on the information supplied to him under the provisions of the Right To Information Act vide Annexure communication, dated 03.04.2017, along with a schedule of Boat Drivers and Lifeguards, attested by the Corporation, and urged before us that the person with Serial No.249, namely, Mr.C.Mougoundan is the only one Lifeguard said to be working while other persons are working as Boat Drivers. He also submitted that two drivers viz., one at Serial No.243, by name, Mr.M.Munisamy and the other at Serial No.244, by name, Mr.R.Velpalani are shown to be having no proper certificate of qualification and even such illiterate people are being engaged as Boat Drivers.

4. Learned counsel for Respondents 2 and 3 has sought to explain away his submissions, by saying that prior to regular recruitment process undertaken by the Corporation, even Class IV persons were allowed to work by the Corporation as Boat Drivers on the basis of their experience and one of the persons, namely, Mr.R.Velpalani at Serial No.244, having his Date of Birth as 30.12.1957, has apparently completed 60 years of age by now and has, therefore, retired and there are some other instances also apparently showing in the other list of persons who were qualified in 10th Standard or 8th Standard.

5. Having heard the learned counsel for the parties, we are not inclined to uphold the contentions raised by the learned counsel for the petitioner, as, the existing appointees, working as Boat Drivers in the respondent Corporation, were appointed much earlier and may not have passed through the regular selection and appointment process undertaken in the recent past, based upon the qualifications prescribed for that matter. We are also not satisfied with the narrative of the petitioner for approaching this Court. As stated in the Counter filed by the respondent Corporation, despite a lapse of one year, no rejoinder has been filed by the petitioner. The petitioner appears to be working at the behest of other persons, who might be seeking back door entry in the employment of the respondent Corporation.

6. We cannot allow any private interest to be subserved through the exercise of jurisdiction of PIL under Article 226 of the Constitution of India. On the basis of the averments made in the Counter Affidavit filed by the respondent Corporation, we are satisfied that the recruitment process has been undertaken by the respondent Corporation in accordance with the rules and adequate number of qualified Drivers and Lifeguards seem to have been employed to cater to the needs of the tourists who visit the Boat House.

7. We, therefore, close this Writ Petition, without any further direction. There shall be no order as to costs. Consequently, the connected W.M.P.Nos.13243 and 13244 of 2017 are also closed.

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Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

dixit

To

1.Chief Secretary to Government,
Union of India,
Government of Puducherry,
Puducherry.

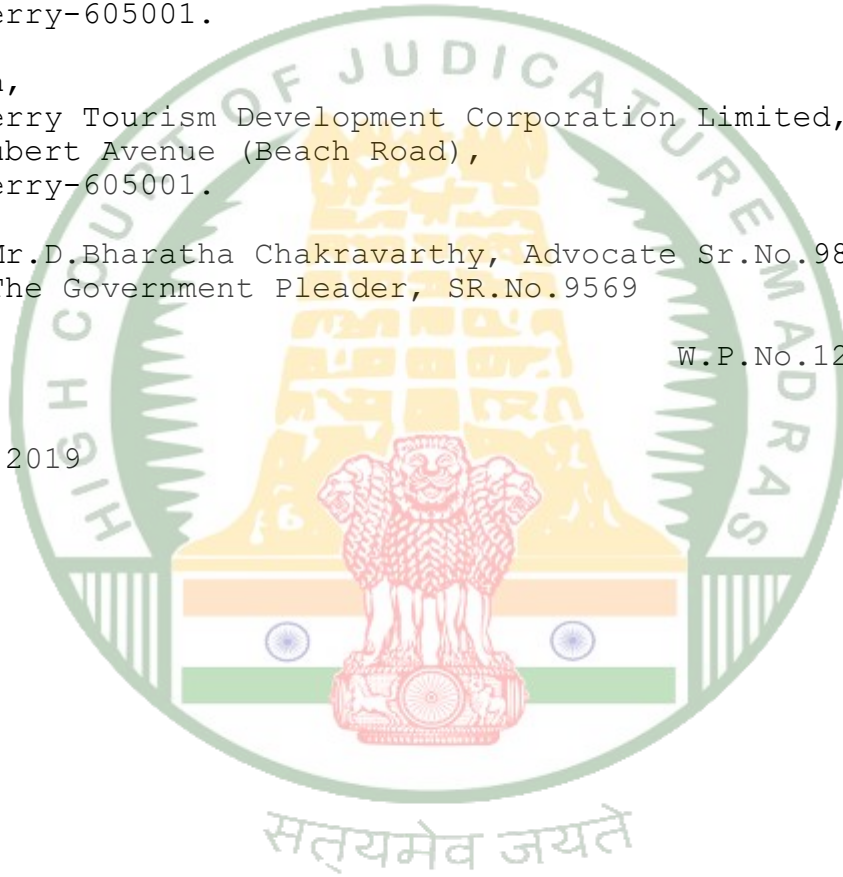
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Puducherry-605001.

+1 cc to Mr.D.Bharatha Chakravarthy, Advocate Sr.No.9839
+1 cc to The Government Pleader, SR.No.9569

W.P.No.12464 OF 2017

KJ(CO)
CSL/26.02.2019



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