



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2019

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)Nos.569 and 570 of 2015

and

M.P(MD)Nos.1 & 1 of 2015

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W.P(MD)No.569 of 2015

P.Rajagopal

... Petitioner

Vs

1.The Management of

Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Rep. by its Managing Director,
Madurai.

2.The General Manager,

Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region,
Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to make selection and fill up all posts in the existing vacancies in posts of Tradesman as notified in the notification of the 1st respondent No.03/MDU/2014, strictly in accordance with the direction issued by this Hon'ble Court in its orders dated 27.08.2014 in W.P.No.20290/12 and dated 19.12.2014 in W.P.No.33730 of 2014 and to consider the petitioner and give him appointment in the post of Tradesman in the existing vacancies by giving him preference in accordance with law laid down by the Hon'ble Supreme Court in UPSRTC Case reported in 1995-1 LLN Page 788.

W.P(MD)No.570 of 2015

P.Rajagopal

... Petitioner

Vs

1.The Management of

Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Rep. by its Managing Director,
Madurai.

2.The General Manager,

Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region,
Dindigul.

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to provide appointment to the petitioner in the existing vacancies in post of Tradesman as notified in the notification of the 1st respondent No.03/MDU/24, as per G.O.No.32 of the Transport department, Government of Tamil Nadu, dated 08.01.86.

For Petitioner : Mr.S.Arunachalam
For Respondents : Mr.J.Senthil Kumaraiah

COMMON ORDER

The relief sought for in these writ petitions is for a direction to the respondents to make selection and fill up all posts in the existing vacancies in the post of Tradesman as notified in the notification of the 1st respondent No.03/MDU/2014, strictly in accordance with the direction issued by this Hon'ble Court in its orders, dated 27.08.2014 in W.P.No.20290/12 and dated 19.12.2014 in W.P.No.33730 of 2014.

2.Nearly about 4 ½ years lapsed. The prayer sought for in these writ petitions is for a direction to direct the respondents to fill up all posts in the existing vacancies in the post of Tradesman. The writ petitioner cannot seek such a direction in view of the fact that filling up of the posts or cadre is the administrative prerogative of the competent authorities. The writ petitioner, who is an employee cannot seek for a direction that the post of the Tradesman to be filled up. Filling up of the posts or conducting recruitment process is the administrative decision to be taken by the competent authorities. Thus, only in the event of taking a policy decision to fill up the posts, the writ petitioner is at liberty to participate in the process of selection. Contrarily, the writ petitioner cannot seek for a direction from this Court to fill up the post is not within the purview of the employee at all. Filling up of the post is in noway connected with the service conditions of the writ petitioner. Thus, the very claim made by the writ petitioner is misconceived and after a lapse of about 4 ½ years. The relief as such sought for deserves no merit consideration.

3. Accordingly, these writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

Sub Assistant Registrar (CS)



TO

1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai.

2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region,
Dindigul.

+1cc to Mr.S.ARUNACHALAM, Advocate, SR.No. 74392

+2cc to Mr.J.SENTHIL KUMARAI AH, Advocate, SR.No. 74318, 74319

W.P(MD) Nos.569 & 570 of 2015
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