

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.13603 of 2018

ORDER

This Writ Petition is filed seeking the following relief:

“to issue an appropriate order or direction more particularly in the nature of writ of mandamus declaring the action of respondent No.1 in not acting upon the recommendation dated 20.01.2017 submitted by respondent No.2 for engaging the petitioners in the vacancies as illegal, arbitrary and in violation of principles of natural justice consequently direct respondent No.1 to pass necessary orders for filling up of vacancies available with the petitioners with all consequential benefits and to pass such other order or orders as this Hon'ble Court may deems fit just and proper in the circumstances of the case.”

Heard Sri A.S.Vasudevan, learned counsel, representing M/s.Pillix Law Firm appearing for the petitioners, and learned Government Pleader for Services-II appearing for the respondents.

It is the case of the petitioners that earlier they worked with the respondents as NMRs from 1982 to 1984 and later, they were retrenched for want of work and for various other reasons. Similarly situated persons have approached the Labour Court by filing I.D.No.349 of 1993 and the Labour Court *vide* order dated 01.09.1993 has given a direction to the respondents therein to re-engage the petitioners/workmen

therein. Aggrieved by the same, the State has preferred W.P.No.10045 of 1998 and this Court *vide* order dated 29.08.2003 disposed of the same by upholding the Award passed by the Labour Court. Challenging the same, the State has further carried the matter by filing W.A.Nos.393 of 2004 and 520 of 2008 before a Division Bench. The Division Bench *vide* judgment dated 25.10.2013 dismissed the said writ appeals.

Learned counsel appearing for the petitioners contended that the petitioners stand on the same footing as that of the persons, who have approached the Labour Court for reinstatement, but the only difference is they are not parties to the earlier round of litigation. It is further contended that though the 2nd respondent has recommended the case of the petitioners *vide* proceedings dated 20.01.2017 to the 1st respondent, the 1st respondent has not passed any orders thereon. It is prayed that appropriate orders be passed in the writ petition directing the 1st respondent to pass orders on the recommendation made by the 2nd respondent and to re-engage the petitioners as was done in the case of other similarly situated persons.

Learned Government Pleader appearing for the respondents contended that since the recommendation made

by the 2nd respondent is pending before the 1st respondent, the 1st respondent would consider the same and pass appropriate orders in accordance with law.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that the writ petition can be disposed of directing the 1st respondent to consider and pass appropriate orders on the recommendation made by the 2nd respondent *vide* proceedings dated 20.01.2017 within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 23.12.2019
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