

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.13923 of 2013

And

M.P.No.1 of 2013

M.Kannan

... Petitioner

Vs.

Tamil Nadu Small Industries Development Corporation Ltd.
(a Govt. of Tamil Nadu Undertaking)

Rep. by the Chairman and Managing Director,
SIDCO Industrial Estate,
Chennai - 32.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondent from filling up the three post of Junior Drafting Officer, through employment Exchange alone, in violation of the judgment of the Supreme Court reported in 1996 (6) SCC 216 in the case of Excise Superintendent, Malkapatnam, Krishna District, A.P. Vs. K.B.N. Visweshara Rao and consequently direct the respondent the absorb/ appoint the petitioner as Junior Drafting Officer.

For Petitioner : M/s.S.N.Ravichandran

For Respondent : Mr.A.N.Thambidurai
Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus forbearing the respondent from filling up the three posts of Junior Drafting Officer, through employment Exchange alone, in violation of the judgment of the Supreme Court reported in 1996 (6) SCC 216 in the case of Excise Superintendent, Malkapatnam, Krishna District, A.P. Vs. K.B.N.Visweshara Rao and to consequently direct the respondent the absorb/ appoint the petitioner as Junior Drafting Officer.

2.The case of the petitioner is that he was appointed as Technical Assistant on 01.08.1991 as NMR. Contrary to the

service regulations and qualification, the petitioner's services were regularized by downgrading the post as Work Inspector Grade I. The grievance of the petitioner is that there were three Junior Drafting Officer posts vacant and instead of absorbing the petitioner in the said post, inspite of his repeated representations, the respondent notified the vacancy in the Employment Exchange, without notifying the vacancies in the other mode like Newspaper, T.V. and Radio and in violation of the decision of the Hon'ble Apex Court reported in 1996 (6) SCC 216 [Excise Superintendent, Malkapatnam, Krishna District, A.P. Vs. K.B.N.Visweshara Rao].

3.The learned counsel appearing for the petitioner would submit that in view of the interim order granted by this Court on 08.05.2013, till date the said post is kept vacant. Hence, it would suffice, if this Court issues direction to the respondent to fill up the vacant Junior Drafting Officer post, as per the Rules and in accordance with law.

4.The learned Special Government Pleader concede to the request made by the learned counsel appearing for the petitioner.

5.In view of the limited request now made by the learned counsel appearing for the petitioner, this Court directs the respondent to fill up the vacant Junior Drafting Officer post, as per the Rules and in accordance with law. This writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

Tamil Nadu Small Industries Development Corporation Ltd.
(a Govt. of Tamil Nadu Undertaking)
Rep. by the Chairman and Managing Director,
SIDCO Industrial Estate,
Chennai - 32.

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CP(CO)
CB(22/09/2020)