

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2020

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.23709 of 2007

G.Nagappan

..Petitioner

.Vs.

1. Government of Tamil Nadu,
Rep.by its Secretary Labour
Employment (N2) Department,
Fort St.George, Chennai - 9.

2. Metropolitan Transport Corporation (Chennai) Ltd.,
Rep.by its Managing Director,
Pallavan Salai, Chennai -2.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking issuance of a writ of declaration, declaring that the action of the 2nd respondent for making appointment to the post of Conductors by direct recruitment after 1.5.2007 as illegal and contrary to G.O.Ms.65, dated 30.3.2007 and the clarification in letter No.2167/N2/2007-2 dated 25.4.2007 of the 1st respondent and consequently direct the 2nd respondent to fill up the post of Conductors afresh strictly in accordance with G.O.Ms.No.65, dated 30.3.2007 and the clarification in letter No.2167/N2/2007-2, dated 25.4.2007 of the 1st respondent.

For Petitioner : No appearance

For Respondents : Mr.K.Magesh

Special Government Pleader

O R D E R

The petitioner has come forward with the present writ petition seeking for issuance of writ of declaration, to declare the action of the second respondent for making appointment to the post of Conductors by direct recruitment after 1.5.2007 as illegal and contrary to G.O.Ms.No.65, Labour and Employment (N2) Department, dated 30.3.2007 and the clarification in letter No.2167/N2/2007-2 dated 25.4.2007 of the first respondent and consequently, to direct the second respondent to fill up the post of Conductors afresh strictly in accordance with the above Government Order and clarification.

2. There is no representation for the petitioner. Heard the learned Special Government Pleader for the respondents and perused the materials available on record.

3. According to the petitioner, he obtained SSLC certificate and Conductor Licence and the same were registered with the District Employment Exchange, Chennai. It is further stated that the Employment Exchange sponsored his name for appointment to the post of Conductor in the second respondent Transport Corporation, but, he was not selected for the said post. Subsequently, the first respondent issued G.O.Ms.No.65, Labour and Employment (N2) Department, dated 30.3.2007, directing all the Employment Exchange to sponsor candidates for employment in public sector undertaking at the ratio of 1.1 as per the seniority.

4. It is further stated that following the said Government Order, the first respondent issued a clarification letter dated 25.4.2007 and made it clear that the said ratio does not confirm the list of candidates already sponsored by the Employment Exchange. Hence, the second respondent has to fill up the remaining vacancies by direct recruitment based on the seniority in the Employment Exchange. However, the second respondent made several appointments after 01.05.2007 contrary to the said Government Order. Hence, the present writ petition.

5. On 12.07.2007, this Court, granted interim direction to the respondents to keep one post vacant and the said interim order was made absolute on 13.04.2010.

6. Today when the matter is taken up for hearing, the learned Special Government Pleader for the respondents would submit that at the time of filing of the writ petition the petitioner was aged about 43 years and now, he is 55 years. Therefore, the petitioner's request cannot be considered at the age of 55 years.

7. In the light of the above submission made by the learned Special Government Pleader appearing for the respondents the writ petition is dismissed, as no relief can be granted at this stage. There shall be no order as to costs. Consequently, M.P.No.1 of 2007 is also dismissed.

Sd/-
Assistant Registrar(LA)

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Sub Assistant Registrar

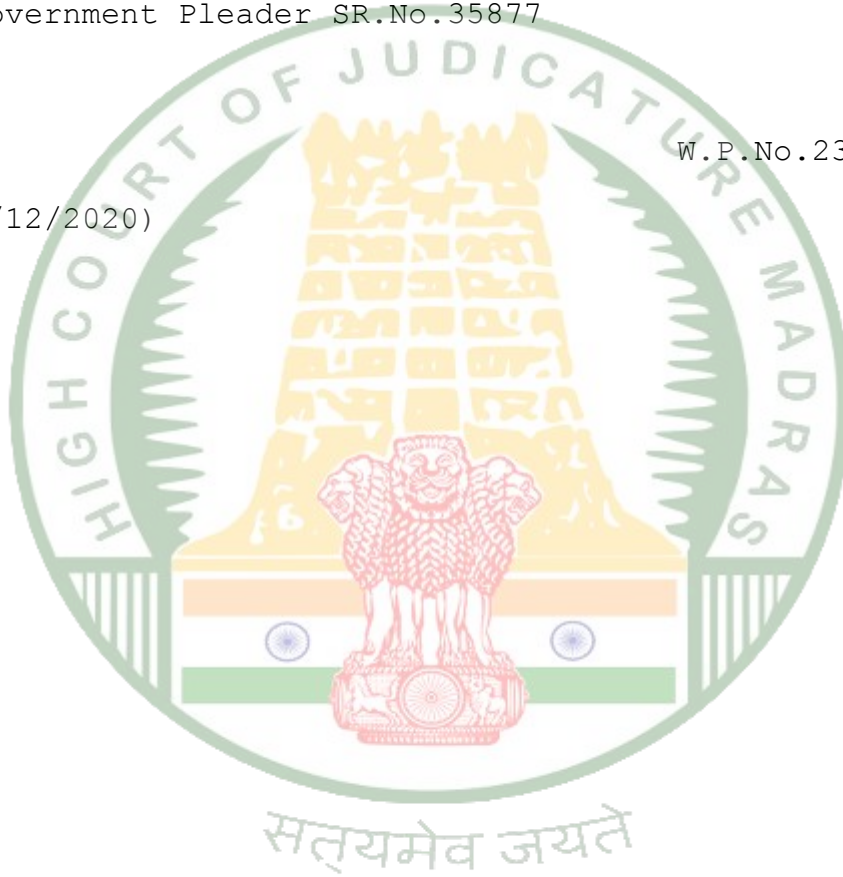
To

1. The Secretary Labour
Employment (N2) Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 9.
2. The Managing Director,
Metropolitan Transport Corporation(Chennai) Ltd.,
Pallavan Salai,
Chennai -2.

+1cc to Government Pleader SR.No.35877

W.P.No.23709 of 2007

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