

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.01.2020

CORAM

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P. Nos. 22076, 24092 of 2015
and W.P.Nos. 16675 & 10725 of 2016
and M.P. 1/2015 and M.P.1/2015
W.M.P.Nos. 14410 & 9371 of 2016

1.G.Sakthivel

2.M.Dhanasekar

3.D.Vijayan

4.A.Sudharsan

... Petitioners
in W.P.No.22076/2015

1.K. Devaraj

2.I. Manivannan

3.R. Yoogaraj

4.S. Saravanan

5.L. Thiruchendur Murugan

6.S. Mohan

7.R. Sredharan

8.R. Nagarajan

सत्यमेव जयते ... Petitioners
in W.P.No.24092/2015

1.S. Prakash

2.E. Ravi

3.A. Musthafa

4.G. Koteeswara Rao

5.R. Arulmani

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6.V. Antony

.. Petitioners
in W.P.No.16675/2016

1.V. Chandrasekar

2.F. Jayakumar

3.N. Nandakumar

4.G. Kuppusamy

5.B. Viswanathan

6.P. Malakondaiah

.. Petitioners
in W.P.No.10725/2016

Vs.

1.The Chairman,
Chennai Port Trust,
Administrative Office,
Rajaji Salai, Chennai - 600 001.

2. The Chief Engineer,
Civil Engineering Department,
Chennai Port Trust,
Rajaji Salai, Chennai - 600 001.

3. The Administrative Officer,
Civil Engineering Department,
Chennai Port Trust,
Rajaji Salai, Chennai - 600 001.

4. The Secretary,
National Council for Vocational Training,
New Delhi.

5. The Regional Director,
Apprenticeship Training, Southern Regional Circle,
Guindy, Chennai - 600 032.

.. Respondents
in all W.Ps

Common Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the respondents 1 to 3 to absorb the petitioners in the Civil Engineering Department in Group IV vacancy in their respective trades.

For Petitioners : Mr. R. Singaravelan,
in W.P.No.22076, Senior Counsel
24092, 10725/2016 for Mr.A.R. Suresh

For Petitioner
in W.P.No.16675/2016 : Mr.R.Singgaravelan
Senior Council for
Ms.M.Srividhya

For Respondents: Mr. G. Raja Gopalan
Additional Solicitor General of India
for Mr. M. Palanimuthu, for RR1 to 3
Mr.V.P.Sengottuvel, for R5
Senior Central Government counsel
No Appearance for R4

C O M M O N O R D E R

These writ petitions have been filed for issuance of writ of mandamus, directing the respondents 1 to 3 to absorb the petitioners in the Civil Engineering Department in Group IV vacancy in their respective trades.

2. The case of the petitioners is that they have undergone apprenticeship training in the Civil Engineering Department on various trades during the period 1995 and 1999.

3. Heard Mr.R.Singgaravelan, learned Senior counsel for the petitioners, Mr.G. Raja Gopal, learned Assistant Solicitor General for respondents 1 to 3 and Mr.V.P.Sengottuvel learned Senior Central Government counsel for R5.

4. According to the learned counsel for the petitioners, there are 1000 vacancies in the respondent establishment in Group-IV posts. But those posts are not filled up by way of selection and if selection takes places, the petitioners could participate. On the other hand, the respondent establishment is appointing outsiders either on contract basis or daily wages basis or out sourcing.

5. The learned counsel appearing for the respondents has brought to the notice of the Court that the Central Government has amended Section 22 (1) of Apprentice Act, 1961. Therefore, observation in the employment shall be considered, in the light of the above said provisions of the Act, by framing scheme under the Act. In response to the aforesaid contention of the learned counsel appearing for the petitioner, additional counter affidavit filed by the second respondent, wherein it has been stated that since there is a ban on recruitment by the

Government of India from 2001, there is no situation arises to frame any policy by the respondents/employers as per Section 22 (1) of the Act, 1961. It has further added that as on date there is no possibility to absorb these petitioners who had undergone apprentice training in the respondent's organisation when the Government lifts the ban on recruitment, the respondents will consider to frame any policy under Section 22 (1) of the Apprentice Act, 1961.

6. In view of the aforesaid statement made in the additional counter affidavit, the learned Senior Counsel appearing for the petitioner has submitted that liberty shall be granted to the writ petitioners to make representation to the authority concerned, for lifting the ban.

7. In view of the above statement made in the additional counter affidavit filed by the second respondent, these writ petitions are disposed of, with liberty to the petitioners to seek appropriate remedy for lifting the ban. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

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To

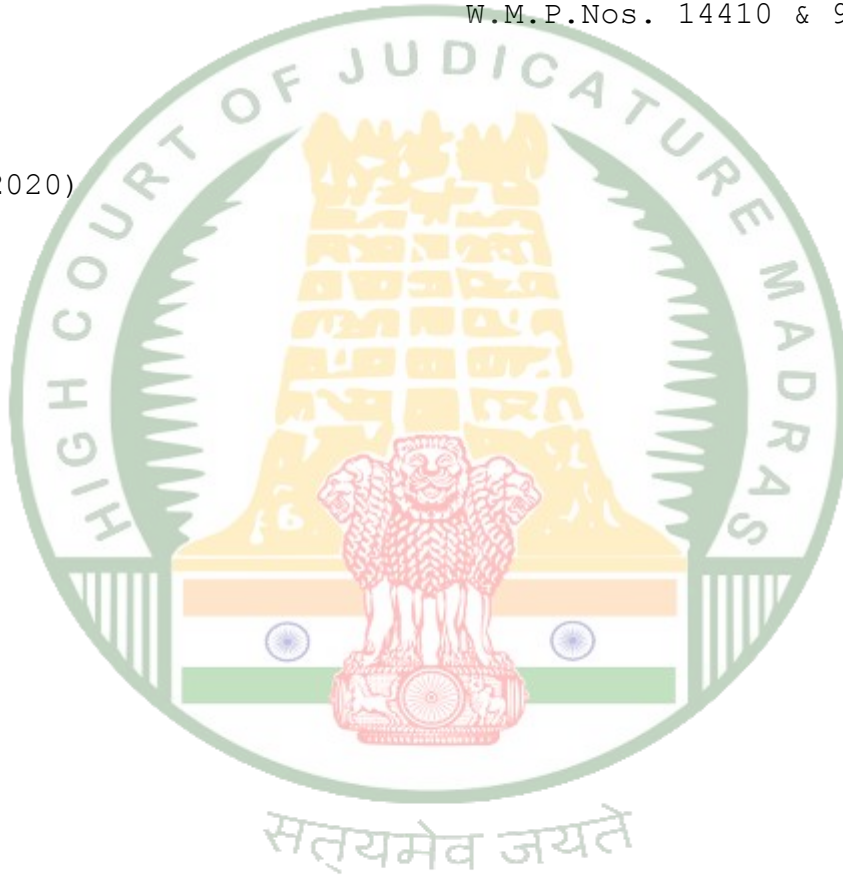
1. The Chairman,
Chennai Port Trust,
Administrative Office,
Rajaji Salai, Chennai - 600 001.
2. The Chief Engineer,
Civil Engineering Department,
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4. The Secretary,
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New Delhi.

5. The Regional Director,
Apprenticeship Training, Southern Regional Circle,
Guindy, Chennai - 600 032.

+6 CCS to Mr.A.R. Suresh, Advocate sr 8203.
+1 CC to Mr.M. Palanimuthu, Advocate sr 7577.
+4 CCS to Mr.A.R.Suresh, Advocate sr 8202(06/02/2020)
+1 CC to Mr.A.R.Suresh, Advocate sr 8204(06/02/2020)

W.P. Nos. 22076, 24092 of 2015 and
W.P.Nos. 16675 & 10725 of 2016 and
W.M.P.Nos. 14410 & 9371 of 2016

GJ(CO)
SP(05/02/2020)



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