

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2020

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. 5254 of 2013
and
W.M.P. 6956 of 2016

M.Muniyandi

... Petitioner

Vs

1. The Government of Tamil Nadu,
rep. by its Secretary,
Industries Department (MIAI),
Employment and Training,
Fort St. George, Chennai-600 009.
2. The Government of Tamil Nadu,
rep. by its Secretary of Employment,
Labour & Employment Dept.,
Fort St. George, Chennai-600 009.
3. The Commissioner of Employment
and Training, Guindy,
Chennai-600 032.
4. The Joint Director (Craftsman
Training),
Director of Employment and Training,
Guindy, Chennai-600 032.
5. The District Employment Officer,
Chennai.
6. D.S.Ramesh,
No.1/60, 2nd Cross Street,
A Sector, V.G.Road,
Dharappadaveedu,
Katpadi-7.
7. M.Durai,
No.56, Krishnampet,
7th Kulakkarai Street,
Palanipet, Arakkonam.
8. S.Govindan,
Veeraragavapuram (via),
Bannavaram Post,
Arakkonam Taluk,
Vellore Dt.-632 505.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 4th respondent even dated 03.0.3.2010 made in Proc. Nos.31770/TP2/2009-3, No.31770/TP2/2009-10, No.31770/TP2/2009-45 and quash the same in so far as the employment granted to the 6th and 8th respondents and consequently, to direct the 4th respondent to call for list of eligible candidates for the post of fitter and fill up the available vacancy for fitter under the 4th respondent.

For Petitioner : Ms.G.Thilagavathi

For Respondents : Mr.S.Thangavel
Special Govt. Pleader
for R1 to R5
Mrs. C.Sriranjani for R6
No appearance for R7 & R8

O R D E R

This Writ Petition has been filed challenging the order passed by the 4th respondent dated 03.03.2010 appointing the respondents 6 to 8 as Junior Training Officers.

2. The grievance of the petitioner is that, the petitioner is a fully qualified person, to be appointed as Junior Training Officer, and he is waiting for appointment. Now, without making any appointment through open category, the respondents 6 to 8, who are all erstwhile retrenched employees of Tamil Nadu Steels Limited have been appointed in that post. Challenging their appointment, the present Writ Petition has been filed.

3. Mr.S.Thangavel, learned Special Government Pleader appearing for respondents 1 to 5 submitted that, earlier the very same order has been challenged before this court by similarly placed persons in W.P. 24861 to 24865 of 2010, and this court by an order dated 01.07.2014 dismissed the Writ Petition. The learned counsel has also produced the copy of order. Hence, in view of the order passed by this Court in W.P. 24861 to 24865 of 2010, this Writ Petition also liable to be dismissed.

4. Ms.G.Thilagavathi, learned senior counsel appearing for petitioner would submit that, while dismissing the earlier Writ Petition, this Court directed the respondents 3 and 4 to consider the petitioners to the post of Junior Training Officers in the respective trades of their department along with the other persons, who were invited to participate in the interview, and also directed the respondents to consider them for appointment as and when the selection process is initiated.

5. On perusal of records, it could be seen that, at the time of issuing notification for appointment of Junior Training Officers, interview was conducted, and appointments are being made. In these circumstances, the learned Judge has directed the respondents to consider the petitioners therein. The appointments were made in the year 2018 itself, and as on today, there is no vacancy for the said post, and the respondents 1 to 5 are not in a position to consider the petitioner's request. Considering the fact that, already appointments were made according to the notification issued by the respondents, the request of the petitioner cannot be considered at this stage. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, the connected Writ Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (CO MDU)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Government of Tamil Nadu,
Industries Department (MIAI),
Employment and Training,
Fort St. George, Chennai-600 009.
2. The Secretary to Government,
Government of Tamil Nadu,
Labour & Employment Dept.,
Fort St. George, Chennai-600 009.
3. The Commissioner of Employment
and Training, Guindy, Chennai-32.
4. The Joint Director (Craftsman
Training), Director of Employment
and Training, Guindy, Chennai-32.
5. The District Employment Officer,
Chennai.

+2cc to Mr.C.Sriranjani, Advocate, S.R.No.19587

+1cc to the Government Pleader, S.R.No. 20237

+1cc to Mr.R.Gopinath, Advocate SR.19678(08/18/2020)

W.P. 5254 of 2013

and

W.M.P. 6956 of 2016

MR (CO)
https://hcservices.ecourts.gov.in/hcservices/
GN (06/08/2020)