

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.02.2020

CORAM

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.40824 of 2015

and

M.P.No.1 of 2015

1.Mr.R.Murugan
2.Mr.M.Sivakumar

... Petitioners

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

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.A.R.Suresh

For Respondents: Mr. M. Palanimuthu, for RR1 to 3
Mr.N.Siva Bharathi - for R4 & R5

O R D E R

This writ petition has 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. According to the learned counsel for the petitioner, by Order dated 31.01.2020, this Court has disposed of similar writ petitions and the present writ petition is also covered by the Order of this Court passed in W.P.Nos.22076, 24092, of 2015, 166685 and 10725 of 2016 and prayed that the present writ petition may be disposed of on the same line.

3. The learned counsel for the respondents had also accepted the contention of the learned counsel for the writ petitioners and submitted that the Order passed in the aforesaid writ petitions is also applicable to the writ petitioners.

4. This Court in W.P.Nos. W.P.Nos.22076, 24092, of 2015, 166685 and 10725 of 2016 had passed the following Order :

"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."

5. Accordingly, this Writ Petition is disposed in line with the above Order of this Court. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-CCC)

//True copy//

Sub Assistant Registrar

vrc
To

- 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.

+1cc to Mr.N.Siva Bharathi, Advocate SR.No.11254
+1cc to Mr.M. Palanimuthu, Advocate SR.No.11326

W.P. No.40824 of 2015

JP(CO)
GMY(19/02/2020)