

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.05.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

WP.No.7671 of 2020

Surya Vetrikondan

... Petitioner

Versus

The State of Tamil Nadu
rep.by its Chief Secretary,
Secretariat, Fort St.George, Chennai 109.

... Respondent

Prayer:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondent to make necessary orders or provisions to accommodate the job seekers who would lose their eligibility due to the increase in the retirement age of present government employee.

For Petitioner : Ms.R.Revathy

For respondent : Mr.V.Jayaprakash Narayan, GP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J..]

(1) The writ petition styled as a Public Interest Litigation, is filed by a practicing lawyer and according to the learned counsel for the petitioner, the Chief Secretary to Government on behalf of Personnel and Administrative Reforms Department, has issued a Notification dated 03.05.2020, increasing the age of the Government servants etc., from 58 years to 59 years with effect from 01.05.2020 and in the light of the extension of age, the unemployed graduates would also face further difficulties in getting employment for the reason that on account of extension of service with a non-corresponding increase in age as to their eligibility to apply, there may be out of zone of consideration on account of the age bar. The learned counsel for the petitioner would contend that in this regard, a representation dated 07.05.2020 has also been submitted to the respondent and prays for appropriate orders.

(2) *Per contra*, Mr.V.Jayaprakash Narayan, learned Government Pleader accepting notice on behalf of the respondent, has invited the attention of this Court to the decision of the Hon'ble Supreme Court of India reported

in 1998 [7] SCC 273 [Dr.Duryodhan Sahu and others V. Jitendra Kumar Mishra and others] and would submit that the Apex Court in the said decision, had laid down the proposition that in service matters, Public Interest Litigation should not be maintained and since the representation submitted by the petitioner revolve around the service matter, the Public Interest Litigation is not maintainable. It is also pointed out by the learned Government Pleader that the petitioner who claims to be a practicing lawyer, is aged about 48 years and in the light of the said ratio laid down in the said decision, Public Interest Litigation is not maintainable and on instructions, would submit that P&AR [Reforms-S] Department, vide Letter dated 14.05.2020 bearing No.11308/3/20-1, had also issued clarification to the earlier notification, in and by which, the age of superannuation / retirement has been extended by one year and prays for dismissal of this writ petition.

(3) This Court has considered the rival submissions and also perused the materials placed before it.

(4)The Personnel and Administrative Reforms [A] Department has issued an order in G.O.Ms.No.99 dated 21.09.2015 issuing instructions as to the disposal of the grievance petitions presented to the Government offices.

(5)As rightly pointed out by the learned Special Government Pleader appearing for the official respondent, the writ petition pertains to service matters as to the increase in age of persons who would apply for Government and allied jobs and in the light of the above said judgment/decision, the writ petition is not maintainable. It is not as if the petitioner is not left with any other remedy for the reason that in respect of the representation submitted, the petitioner is always at liberty to invoke the provisions of the Right to Information Act, to know about the fate of his representation.

(6)In the result, the writ petition is dismissed subject to above observations.

No costs.

[M.S.N.,J] [A.S.M., J]

18.05.2020

AP
Internet : Yes

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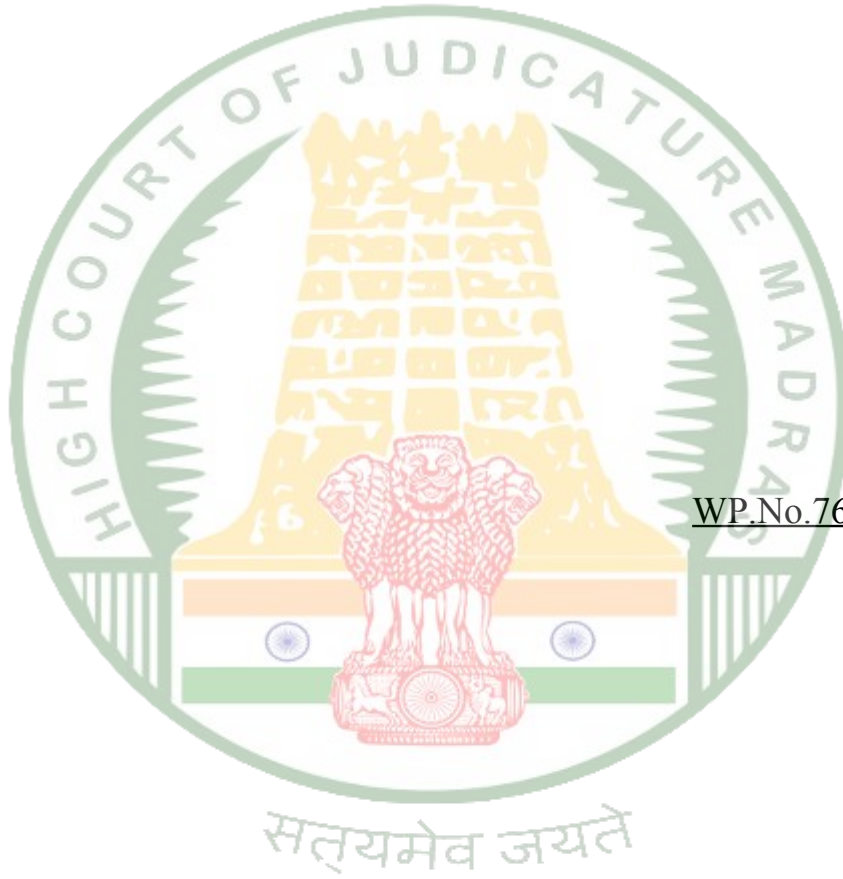
To

The Chief Secretary,
State of Tamil Nadu
Secretariat, Fort St.George, Chennai 109.



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M.SATHYANARAYANAN, J.,
AND
DR.ANITA SUMANTH, J.,
AP



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