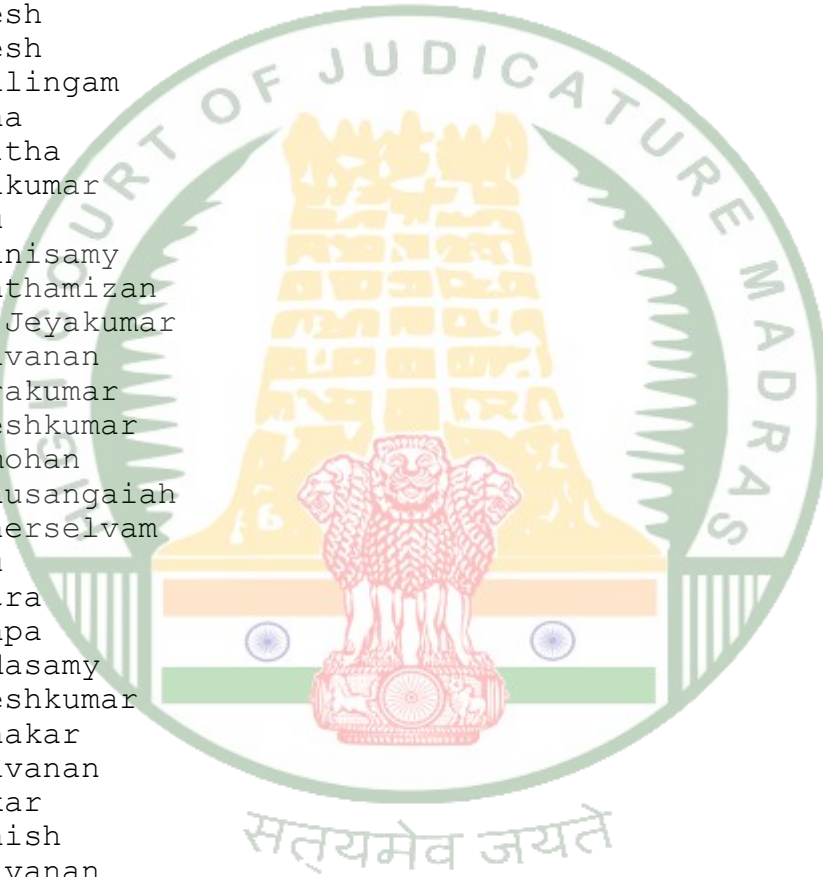


IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 10.01.2020
CORAM
THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE R.SURESH KUMAR
Writ Appeal No.1045 of 2016
and
C.M.P.Nos.13662 of 2016 and 3027 of 2018

1 J.Pandian
2 S.Ramesh
3 N.Suresh
4 K.Ramalingam
5 K.Sutha
6 P.Kavitha
7 P.Sivakumar
8 C.Ramu
9 A.Palanisamy
10 M.Muththamizan
11 Maria Jeyakumar
12 P.Saravanan
13 N.Veerakumar
14 K.Sureshkumar
15 R.Rajmohan
16 K.Muthusangaiah
17 S.Pannerselvam
18 D.Yesu
19 S.Chitra
20 M.Pushpa
21 P.Kandasamy
22 D.Rameshkumar
23 S.Suthakar
24 S.Saravanan
25 R.Sankar
26 C.Sathish
27 M.Saravanan
28 A.Venugopal
29 R.Kumar
30 P.Kamban
31 R.Venkatesan
32 R.Raguraman
33 I.Mahadevan
34 S.Nallamuthu
35 M.Saravanan
36 N.Senguttuvan
37 M.Selvaraj



WEB COPY

38 G.Sathishkumar
39 V.Lakshmanan
40 C.Rajasekar
41 R.Parasuraman
42 V.Velmani
43 A.Dharman

... Appellants

-Vs-

1 Tamil nadu Generation and
Distribution Corporation Ltd. Rep. by its
Chairman No.144 Anna Salai Chennai-600 002.

2 The Chief Engineer(Personnel)
Tamil Nadu Generation and Distribution
Corporation Ltd No.144 Anna Salai Chennai-
600 002. ... Respondents

For Appellants : No appearance

For Respondents : Mr.Karthik Rajagopal

Prayer : Appeal under Clause 15 of the Letters Patent against
the order of this Court dated 24.03.2016 in W.M.P.No.9675 of
2016 in W.P.SR.No.39627 of 2016.

Petition praying that in the circumstances stated therein and
in the affidavit filed therewith The High Court will be
pleased to permit the petitioners herein file a single writ
Petition jointly in the above WP SR No.39627 of 2016 sought to
be presented to this Court, [WP SR No.39627 of 2016, filed
Under Article 226 of the Constitution of India to issue a Writ
in the nature of Declaration declaring the action of the
respondents fixing the upper age limit for appointment to the
900 post of field Assistant(Trainee) in the first respondent
Corporation as 32 years for Backward/B.C.M/MBC and 35 years
for SC/ST fixing no age limit for persons having higher
education (P.U.C./H.S.C./Diploma) other than S.S.L.C. and
I.T.I and proceeding with direct recruitment for the post of
Field Assistant (Trainee) notified under Notification
No.1/2016 dated 28.02.2016 in the proposed competitive written
examination scheduled on 03.04.2016 as illegal, arbitrary and
contrary to law and consequently direct the respondents to
granting age relaxation to the petitioners who have been
possessing S.S.L.C. with I.T.I., for the same age relaxation
given no Upper age limit to the candidates who possess
P.U.C./H.S.C (+2)/Diploma.

J U D G M E N T

(Judgment of the Court was delivered by DR.VINEET KOTHARI, J.)

The following order was passed in the present appeal on 08.01.2020.

" None is present for the Appellants.

2. The learned Single Judge had dismissed the Writ Petition disallowing the joint Petition filed under Rule 2B of High Court Rules.

3. A co-ordinate Bench of this Court, by order dated 23.8.2016, had allowed the 43 candidates to undergo the selection process of the Respondent/Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) for the post of Field Assistant.

4. The learned counsel Mr.Karthik Raja appearing for the TANGEDCO submitted that out of 43 candidates only one candidate viz, Respondent No.4, K.Ramalingam son M.Kuzhanthaivelu, No.27, Thanalakshmi Nagar, Unnamalichetti Savadi, Koondur (P.O.), Cuddalore District alone had cleared the Written Test while all the other 42 candidates failed, however, he submitted that Appointment Order has not yet been issued to the said candidate as he had claimed age relaxation.

5. On the issue as to how much period the said selected candidate had already crossed the age bar limit prescribed in the Notification, the learned counsel appearing for the TANGEDCO prays for some time to verify the facts of this case and appraise the court about the same.

List again on 10.1.2020."

2. In pursuance of the said directions, the learned counsel for respondents Mr.Karthik Rajagopal has submitted a chart before this Court, which shows that the only selected candidate ie., the 4th appellant herein K.Ramalingam, S/o.M.Kuzhanthaivellu, No.27 Thanalakshmi Nagar, Unnamalichetti Savadi, Koondur Post , Cuddalore District, had crossed the prescribed age bar of 35 years only by a short period of one month and 24 days as on the cut-off date of

01.07.2015. The said chart is taken on record. Since all the other appellants except the fourth appellant in the present writ appeal were not selected in the selection process for the post of Field Assistant and the fourth appellant had crossed the age bar of 35 years only by a very short period of one month and 24 days, and since almost five years have passed from the date of the notification, we are not inclined to delay the matter any further. Though the names of the learned counsel for the appellants M/s.P.M.Jayachandran and V.Indumathi are printed in the cause list, none appeared on behalf of the appellants.

3. Under these circumstances, we direct the respondents TANGEDO to issue Appointment Order in favour of the said fourth appellant Mr.K.Ramalingam, S/o.M.Kuzhanthaivellu, immediately and send the same to his given address without any lapse of time. If the said person is not inclined to join within the prescribed time as given in the Appointment Order, no further equity or benefit will accrue to him. However, if he offers to join in pursuance to the Appointment Order by the respondents, he may be permitted to join.

4. We make it clear that in view of the peculiar circumstances of the case, we have exercised our extraordinary jurisdiction under Article 226 of the Constitution of India and such direction will not, in any way, affect the merits of the contentions which may be raised by the respondent Corporation in such other cases and will not act as a precedent for such other cases at all. The Writ Appeal is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

सत्यमेव जयते Sd/-

Assistant Registrar(CS IV)

//True Copy//

WEB COPY

Sub Assistant Registrar

To

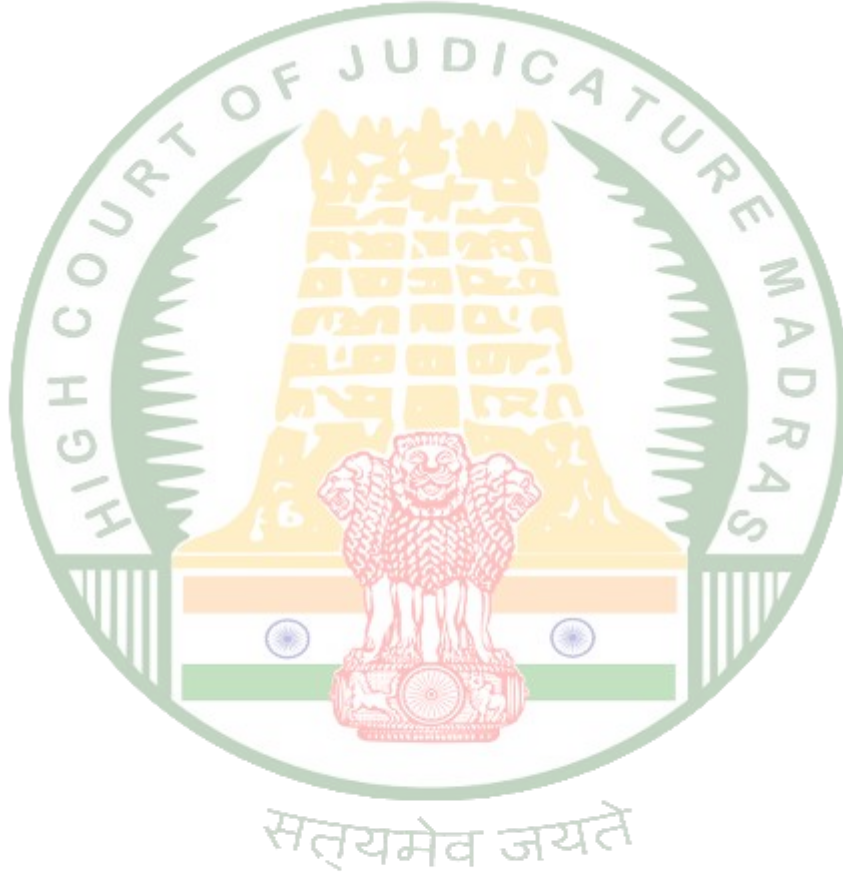
- 1 The Chairman, Tamil nadu Generation and Distribution Corporation Ltd. No.144 Anna Salai, Chennai-600 002.

2 The Chief Engineer(Personnel)
Tamil Nadu Generation and Distribution
Corporation Ltd No.144 Anna Salai,
Chennai- 600 002.

+1cc to Mr.Karthik Rajan, Advocate sr.2527

W.A.No.1045 of 2016

rgn(co)
nr 03/03/2020



WEB COPY