

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 22.12.2020

CORAM

THE HON'BLE MR. JUSTICE V.PARTHIBAN

Writ Petition No.19771 of 2020

V.Mariappan

...Petitioner

Vs.

1.State of Tamil Nadu,
Rep by its Secretary,
Labour & Employment (P2) Department,
St.George Fort, Chennai - 600 009.

2.The Director,
Directorate of Employment & Training,
Guindy, Chennai - 600 032.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of writ of Certiorarified Mandamus, to call for records relating to the impugned order passed by the 2nd respondent in Na.Ka.No.43013/Tho.Nu.Pa.2/2016 dated 13.03.2020 and quash the same and further direction directing the 2nd respondent to appoint the petitioner to the post of Junior Training Officer (Turner) in pursuant to the selection list dated 29.11.2000 and provide all service benefits with retrospective effect within a stipulated period fixed by this Court.

For Petitioner : Mr.C.Samivel

For Respondents: Mr.R.A.S.Senthilvel
Additional Government Pleader

ORDER

The case of the petitioner is that he completed National Trade Certificate (N.T.C) at Government Industrial Training Institute, Pettai, Tirunelveli in the trade of Turner. He has also registered in the District Employment Exchange and in addition he has also completed Apprenticeship in the Trade of

Turner and obtained National Apprenticeship Certificate (N.A.C).

2. In the year 2000, the first respondent issued Notification for filling up 237 vacancies for the post of Junior Training Officer (Turner) in the Government Institute. The petitioner appears to have applied and he was also directed to appear for an interview on 29.11.2000. According to the petitioner, he was informed that he was provisionally selected.

3. The grievance of the petitioner is that despite lapse of several years, no information was forthcoming from the first respondent. According to him, that one of his juniors has obtained information from the Right to Information Act wherein he was informed that all the posts are filled up on the basis of the list published on 29.11.2000 itself. The petitioner claimed to have been ranked 192 in the select list but however was not selected. In this regard, the petitioner has earlier approached this Court in W.P.No.29063 of 2012 seeking direction to appoint him as Junior Training Officer, however the said Writ Petition is pending before this Court. The petitioner has also approached once again to this Court in W.P.No.7570 of 2014 in respect of some specific development happened in 2013. However, the said Writ Petition was dismissed on 14.02.2017.

4. Finally, the petitioner is before this Court claiming appointment in respect of selection list took place in the year 2000 and when a representation was made recently the same was rejected on 13.03.2020 by the Authority and the same is the subject matter of challenge in the Writ Petition.

5. From the above narrative, it could be seen that the cause of action arose for petitioner in the year 2000 and in that regard, the petitioner has approached this Court and one of the Writ Petitions is also stated to be pending on the same issue. In fact the reply dated 13.03.2020, the Authority has clearly stated that time and again the petitioner had been informed periodically that his representation could not be considered favorably. However, it appears that the petitioner has been approaching the Authority under some pretext or the other and on obtaining some reply in 2020 the petitioner is once again before this Court.

6. This Court finds that the petitioner's repeated attempt to approach this Court is a gross abuse of process of this Court for very many reasons. First of all, the present Writ Petition is not maintainable as the same has been filed after a period of 20 years from the cause of action arose in this case. Such a stale claim cannot be entertained by this Court. Even otherwise the petitioner's earlier Writ Petition is also stated to be pending and in which case second Writ Petition is not

maintainable on the same cause of action. Whichever angle the Writ Petition is looked at, this Court cannot entertain the same even for a second.

7. Therefore, the Writ Petition is dismissed as being completely devoid of merits and also the same is to be dismissed as not maintainable having hit by severe latches. No costs.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

mrm

To

1. The Secretary,
Labour & Employment (P2) Department,
St. George Fort, Chennai - 600 009.
2. The Director,
Directorate of Employment & Training,
Guindy, Chennai - 600 032.

+1 cc to Mr. C. Samivel Advocate sr43112
+1 cc to the Government Pleader sr43024

W.P.No.19771 of 2020

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