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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WP.No.15342/2021

[Video Conferencing]

K.Devar

. Petitioner

Vs.

The Tamil Nadu State Transport Corporation
[Salem] Limited, Dharmapuri Region
Dharmapuri District.
Respondent

..

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus calling for the records relating to the order of the respondent dated 05.04.2010 in No.PA1/1535/Tha.P.PO.Ka/Thapu.R1/2008 and quash the same and consequently, direct the respondent to forth with reinstate the petitioner in service.

For Petitioner : Mr.K.Selvaraj

ORDER

1. The present writ petition is filed by the petitioner challenging the order of termination passed by the respondent dated 05.04.2010.
2. The facts in brief, that are necessary for the disposal of this writ petition are as follows.
3. The petitioner was called for an interview by the respondent / Corporation vide Interview Notice dated 28.05.2007 for selection to the post of Conductor and the petitioner appeared for the interview on 02.06.2007 and vide order dated 08.08.2007, the petitioner was informed that he got selected to the post of Conductor and that he will be given training for a period of one month. The respondent, though vide order dated 25.01.2008, appointed the petitioner as Conductor on daily wages, vide order



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dated 05.04.2010, which is impugned herein, had cancelled his appointment on the ground that the name of the petitioner was not sponsored by the District Employment Exchange concerned. Challenging this order, the petitioner has filed the present writ petition on the ground that the respondent/Corporation did not give any prior notice before terminating his service.

4. The learned counsel for the petitioner, relying upon the Order of Appointment dated 25.01.2008, submitted that the petitioner was given employment based on the recommendation of the concerned District Employment Exchange and therefore, the reasons stated in the impugned order terminating the petitioner's service is unsustainable and hence, prays for quashment of the Termination Order dated 05.04.2010 and to reinstate the petitioner in service.
5. This Court has considered the arguments advanced by the petitioner and also perused the materials placed.
6. It is seen from the perusal of the typed set of documents, that the petitioner has not produced any material before this Court to indicate that his name was sponsored by the concerned District Employment Exchange, which is a pre-requisite for getting an appointment. Though there is a general reference in the communication dated 08.08.2007, the impugned order would indicate that the petitioner's appointment was irregular as his name was not sponsored by the Employment Exchange. When there is no material to contradict the fact in the impugned order, the petitioner has chosen to question the order nearly after a period of 11 years and wants this Court to assume that the earlier order of appointment is perfect. When the petitioner's appointment is cancelled on the ground of irregularity, it is unbelievable that the petitioner would wait for a period of 11 years to question the said order. The delay is certainly favours the respondent since there is no valid explanation for the inordinate delay in approaching this Court, questioning the impugned order. This Court is unable to come to the aid of the petitioner to pursue his cause. On the ground of inordinate and unexplained delay alone, this writ petition is liable to be dismissed.
7. At this juncture, the learned counsel for the petitioner states that the petitioner is not involved in any irregularity and therefore, the termination of the petitioner in the year 2010 may not be cited as a reason for rejecting his case if he seeks fresh appointment.
8. It is open to the petitioner to seek fresh



appointment/employment if he is qualified and the respondent may consider the issue with reference to the materials that are placed at that point of time.

9. With the above observation, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

AP

To

The Tamil Nadu State Transport Corporation
[Salem] Limited, Dharmapuri Region
Dharmapuri District.

+1cc to Mr.K.Selvaraj, Advocate, S.R.No.35779

WP.No.15342/2021

PCH(CO)
CB(23/08/2021)