



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.21865 of 2007
and
M.P.No.2 of 2007

1.C.Arjunan

2.V.Sankar

3.P.Pasam

...Petitioners

-Vs-

1.Government of Tamilnadu,
Rep. by its Secretary,
Labour Employment (N2) Department,
Fort St. George, Chennai - 9.

2.The Special Commissioner and
Commissioner of Employment Exchange,
Chennai - 32.

3.Metropolitan Transport
Corporation (Chennai) Ltd.,
Rep. by its Managing Director,
Pallavan Salai, Chennai - 2.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records relating to G.O.(Nilai) No.86, Labour and Employment Department (No.2) dated 12.05.2007 of the first respondent and quash the same.

For Petitioners: Mr.V.Ajoy Khose

For R1 & R2 : Mr.C.Selvaraj,
Additional Government Pleader

For R3 : Ms.Pavithra Sundararajan
for Mr.K.Moorthy



ORDER

The petitioners herein had earlier challenged the recruitment process for the post of Conductors, on the ground that it is contrary to G.O.Ms.No.65, Labour and Employment (N2) Department, dated 30.03.2007.

2. This Court had passed an order today in W.P.No.18604 of 2007, declining to entertain the prayer sought for, in the following manner:-

2. According to the petitioners, the appointment itself was not in accordance with G.O.Ms.No.65, Labour and Employment (N2) Department, dated 30.03.2007 and therefore, seeks for a fresh recruitment process in accordance with the said Government Order.

3. The mode of recruitment that prevails as on date is in accordance with the subsequent G.O.Ms.No.86 dated 12.05.2007. Even assuming that the recruitment process conducted in the year 2007 is improper, the petitioners herein cannot be directed to be appointed and at the most, they would be entitled to participate in the next recruitment process. Even this participation, after about 15 years, particularly when all these petitioners are claimed to have crossed the age of 50, may not be appropriate.

4. Hence, no effective orders can be passed in the present Writ Petition, since the consequential prayer itself cannot be sustained, in view of the change in the policy for recruitment. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

3. The main ground on which the present writ petition has been filed is that, the subsequent guidelines for recruitment in G.O.Ms.No.86, Labour and Employment Department, dated 12.05.2007, takes away the object of G.O.Ms.No.65.

4. Pursuant to G.O.Ms.No.86, dated 12.05.2007, several recruitments have taken place over a period of more than 15 years and quashing this Government Order, after about 15 years, will not be appropriate. Furthermore, the petitioners herein are only aspirants for appointment to the post of Conductors and the present prayer is only for issuance of Certiorari simpliciter



without any consequential prayer.

5. In view of the rejection of their earlier request for appointment, the present writ petition, which does not seek for any consequential relief, does not require any interference. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

//True copy//

Sub Assistant Registrar

hvk

To

1. The Secretary,
Labour Employment (N2) Department,
Fort St. George, Chennai - 9.
2. The Special Commissioner and
Commissioner of Employment Exchange,
Chennai - 32.
3. The Managing Director,
Metropolitan Transport
Corporation (Chennai) Ltd.,
Pallavan Salai, Chennai - 2.

+1cc to Government Pleader SR.No.16259

W.P.No.21865 of 2007

BP (CO)
GMY (24/03/2022)