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W.P.No.21199 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21199 of 2016

J.Adhilakshmi

...Petitioner

Vs.

- 1.The Additional Director General of Police,
CBCID,
Pantheon Road,
Egmore, Chennai.
- 2.The Commissioner of Police,
O/o.The Commissioner of Police,
Vepery, Chennai – 600 007.
- 3.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.
- 4.The Deputy Director,
District Employment Office,
485, Anna Salai,
Chennai – 600 035.
- 5.The Director,
Department of Employment and Training,
Alandur Road, Thiru Vi Ka Industrial Estate,
Guindy, Chennai – 600 032.

Respondents



W.P.No.21199 of 2016

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 1st respondent to provide employment to the petitioner as Permanent Sweeper on Pay scale of Rs. 1300/- in pursuance to the proceeding of the 4th respondent in Na.Ka.No.A3/14227/12 dated 05.03.2013

For Petitioner : Mr.A.Thiruman

For Respondents : Mr.S.Rajesh
Government Advocate for R1 to R3

Mr.G.Nanmaran
Special Government Pleader
for R4 to R5

ORDER

The case on hand is a case where the petitioner has slept over her right for long years. In the manner in which the petitioner pursued the remedy reveals that she was not vigilant in approaching the authorities consequent to her participation in the process of interview held on 28.03.2013.



W.P.No.21199 of 2016

2.The relief sought for in the present writ petition is to direct the 1st respondent to provide permanent employment to the post of Sweeper to the writ petitioner based on the interview call letter dated 05.03.2013.

3.It is not in dispute that the petitioner participated in the process of selection and attended an interview held on 28.03.2013 in the office of the respondents. The petitioner states that she had not received any order of appointment subsequently and therefore she could not join duty. Later, the petitioner went for renewal of her employment card, she was informed that she was appointed in the office of the respondents and therefore, the employment registration cannot be renewed. At that point of time, the petitioner submitted an application under the RTI Act and the Public Information Officer of the District Employment Exchange issued a reply in letter dated 05.01.2016 stating that the petitioner was appointed in proceedings dated 28.03.2013.

4.Relying on the said RTI reply, the learned counsel for the petitioner made a submission that the petitioner had not received any order of appointment and therefore, she cannot be expected to join the duty in the office of the respondents



W.P.No.21199 of 2016

and only through RTI reply, she came to understand that she was appointed and thereafter, approached the authorities who in turn refused to give employment and she has filed the present writ petitioner immediately in the year 2016 and the writ petition is kept pending for the past about six years.

5.The learned Government Advocate appearing on behalf of the respondents states that recruitment notifications were issued to recruit 515 posts of Sweepers in various Government offices on consolidated pay salary and accordingly, seven posts were allotted to the office of the CBCID and accordingly, the sponsored candidates were interviewed by the competent Committee and the selected candidates were issued with an order in March 2013. The order of appointment was communicated to the writ petitioner and the petitioner did not respond to the order of appointment. Since the petitioner did not respond to the order of appointment, the post was kept vacant for about one year and thereafter, the said vacant post was filled up by the competent authorities. Therefore, the relief as such sought for to grant permanent appointment in the office of the respondents deserves no merit consideration and to be rejected.



W.P.No.21199 of 2016

6.Regarding the communication of the order of appointment to the writ petitioner, the Additional Director General of Police, CBCID, Chennai, filed an affidavit and Paragraph No.8 reads as under:

8)I respectfully submit that out of above 7 candidates, Tmt.G.Saradha, (Emp.Reg.No.199F00808S.F.-21.12.1990) and Tmt.C.Lakshminarayani (Emp.Reg.1987F01989 S.F, dt:20.08.1987) reported for duty and the remaining candidates including the writ petitioner did not report for duty. The fact was intimated to the District Employment Officer, Nandanam, Chennai, vide letter in R.c.No.A3/14227/2012, dated:29.04.2014. The appointment Order was despatched through post in the address provided by her. The petitioner neither reported for duty nor did she enquire about the status of her appointment in this office or Employment office. The said post remined vacant for an year and she could have been accommodated in the said post had she approached this office.

7.Even if the petitioner states that she had not received the order of appointment in March 2013, the fact remains that the petitioner had not pursued the relief during the relevant point of time. She was not vigilant enough, in approaching the competent authorities after attending an interview and only after a



W.P.No.21199 of 2016

lapse of three years, the petitioner approached the District Employment Exchange for the purpose of renewal of her employment registration. Therefore, the petitioner had slept over her right by not approaching the authorities or verifying the result of selection during the year 2013. Contrarily, she approached the District Employment Exchange after three years. This being the factum, the petitioner is not entitled to seek permanent absorption, since she had not even responded to the appointment order nor joined in the post. Almost nine years lapsed, at this point of time the relief sought for to provide permanent appointment cannot be granted. The petitioner was not vigilant enough in pursuing the relief during the relevant point of time. More so, she attended the interview in 2013 and the order of appointment as per the respondents was communicated to the writ petitioner in March 2013 and the petitioner had not responded to the appointment order for several years and only after three years, she approached the District Employment Officer and thereafter, filed the present writ petition. This being the factum, merely based on the selection of the year 2013, now the High Court cannot grant an order of permanent absorption or appointment as such sought for in the present writ petition.



W.P.No.21199 of 2016

WEB COPY 8. Accordingly, this writ petition stands dismissed. No Costs.

11.11.2022

Index : Yes
Internet : Yes
Speaking order : Yes
ssr

To

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W.P.No.21199 of 2016

S.M.SUBRAMANIAM, J.

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