



WEB COPY



W.P.No.36271 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.36271 of 2016

N.Babu

... Petitioner

-Vs-

The Assistant Director,
Ex-Servicemen's Welfare,
Thiruvallur- 602 001.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the Respondent to provide an employment based on G.O. Ms. No.938 (Public Ex-Servicemen) Department dated 22.06.1987 as an Ex-Serviceman with the Regn. No.104/ 1993 dated 30.04.1993 by granting salary from the date of registration with the respondent i.e. from 30.04.1993

For Petitioner : Petitioner in person

For Respondent : Mr.S.Rajesh
Government Advocate



W.P.No.36271 of 2016

ORDER

WEB COPY The relief sought for in the present writ petition is to direct the respondent to provide an employment based on the G.O.Ms.928, Public Ex-Serviceman Department, dated 22.06.1987, as an Ex-Serviceman with the Regn. No.104/ 1993 dated 30.04.1993, by granting salary from the date of registration with the respondent i.e. from 30.04.1993

2. The Government Order issued in G.O.Ms.928, dated 22.06.1987, provides by-laws for administration of Tamil Nadu Ex-service personnel benevolence fund. The petitioner in person, appearing before this Court made a submission that he is an ex-serviceman who is discharged from service. He is eligible for employment under the priority category of ex-serviceman but the application submitted by him in this regard was not considered by the respondent and therefore, he is constrained to move the present writ petition.

3. The petitioner in person states that the respondent is unnecessarily asking several particulars when he has already furnished the details regarding his services in the Indian Army and in spite of that his case was not considered.



W.P.No.36271 of 2016

WEB COPY

4. The learned Government Advocate appearing on behalf of the respondent made a submission that the petitioner was not considered as an ex-serviceman since he served hardly for 8 months in the Indian Army and was discharged from service. In spite of the said fact, the respondent issued a letter on 25.08.2014, asking the petitioner to provide all relevant documents enabling them to consider his case for providing him employment on a priority basis. However, the petitioner has not submitted all the requisite documents, enabling the department to consider his case. In the absence of all those documents, the respondent would not be in a position to consider his case.

5. Appointment can never be claimed as a matter of right. Even priority appointments have to be provided only in accordance with the procedures contemplated. If at all, the petitioner is eligible, he has to furnish all the requisite documents, as sought for by the respondent and thereafter, the respondent is bound to ascertain the eligibility of the writ petitioner for priority appointment and accordingly redress his grievances. Contrarily, by filing a writ petition, the petitioner cannot secure public employment. Mere representation or otherwise is



W.P.No.36271 of 2016

insufficient to issue a direction to provide employment to the writ petitioner, based on the government order.

6. This being the factum established, the petitioner is at liberty to furnish all the requisite documents to the respondent and in the event of submitting all the requisite documents, the case of the writ petitioner is to be considered in accordance with the rules in force.

7. With these directions the writ petition stands **disposed of**. There shall be no order as to costs.

10.11.2022

Index : Yes
Speaking order
sha

To

The Assistant Director,
Ex-Servicemen's Welfare,
Thiruvallur- 602 001.



WEB COPY



W.P.No.36271 of 2016

S.M.SUBRAMANIAM.J.,

sha

W.P.No.36271 of 2016

10.11.2022