



WEB COPY



W.P.Nos.22754 & 22755 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.22754 & 22755 of 2017
and W.MP.Nos.23872 & 23874 of 2017

G.Manivannan

...Petitioner
in W.P.No.22754 of 2017

S.Ashokan

...Petitioner
in W.P.No.22755 of 2017

Vs.

1.The Principal Secretary to the Government,
Industries Department,
St. Fort George,
Chennai.

2.The Commissioner of Sugar Mills,
690, Anna Salai,
Nandanam,
Chennai – 35.

3.The Managing Director,
Cheyyar Co-operative Sugar Mills Ltd.,
Cheyyar,
Thiruvannamalai District.

..Respondents
in both W.Ps



W.P.Nos.22754 & 22755 of 2017

Common Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records in respect of the impugned G.O. issued by the 1st respondent vide G.O.Ms. No.93 dated 28.7.2017 and quash the same in so far as fixing age limit for 55 years of appointment to the post of Labour Welfare Officer by Promotion as illegal, arbitrary, unreasonable, irrational and violative of Articles 14 and 16 of the constitution of India further against the Tamil Nadu Factories (Welfare Officers) Rules, 1953 and consequently forbearing the respondents from proceeding with the selection process to the post of Labour Welfare Officer pursuant to the communication of the 2nd respondent vide Na.Ka.No. 14495/SaTho1/2014 dated 11.8.2017

For Petitioner
in both W.Ps

: Mrs.G.V.Seethalakshmi
for Mr.K.G.Senthil Kumar

For Respondents
in both W.Ps

: Mr.R.P.Murugan Raja
Government Advocate for R1 & R2
Mr.R.Bala Ramesh for R3

ORDER

The relief sought for in the present writ petitions is to quash the fixation of age limit of 55 years for appointment to the post of Labour Welfare Officer by way of promotion.



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2.The petitioners questioned the fixation of age limit for appointment to the post of Labour Welfare Officer. Fixation of age limit, prescription of educational qualifications and other criteria are prerogative of the employer and only if such prescription is bound to be unconstitutional, then alone, the High Court can interfere by exercising the powers of judicial review but not otherwise. However, in the present case, the petitioners already reached the age of superannuation and retired from service and thus, no further adjudication needs to be undertaken in respect of the grounds raised and accordingly, these writ petitions stand disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

13.10.2022

Index : Yes
Internet : Yes
Speaking order : Yes / No
ssr

S.M.SUBRAMANIAM, J.



W.P.Nos.22754 & 22755 of 2017

SSI

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To

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