



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.8212 of 2019

W.M.P (MD) .No.6449 of 2019

WEB COPY

T.Elavarasi

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by the Secretary,
Labour Department,
Fort St.George, Chennai-600 009.

2.The Tamil Nadu Construction Workers Welfare Board,
Rep.by its Secretary,
No.8, Valluvarkottam Highway,
Nungambakkam,
Chennai-34.

3.The Commissioner of Labour,
O/o.The Commissioner of Labour,
DMS Complex,
Teynampet,
Chennai.

4.The Assistant Commissioner of Labour,
O/o.The Assistant Commissioner of Labour,
Trichy District,
Trichy.

... Respondents

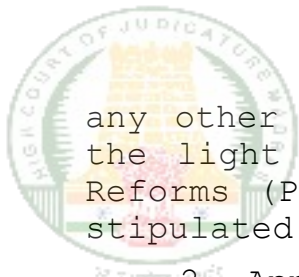
Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the respondents to appoint the petitioner as Office Assistant or in any other suitable post in the services of the respondent No.2 in the light of G.O.Ms.No.188 issued by Personnel and Administrative Reforms (Per P) Department dated 28.12.1976, within the time frame stipulated by this Court.

For Petitioner : Mr.T.Aswin Rajasimman
for Mr.T.Lajapathi Roy
For Respondents : Mr.A.K.Manikkam
Special Government Pleader

O R D E R

The relief sought for in the present writ petition is to direct the respondents to appoint the petitioner as Office Assistant or in

<https://hcservices.ecourts.gov.in/hcservices/>



any other suitable post in the services of the respondent No.2 in the light of G.O.Ms.No.188 issued by Personnel and Administrative Reforms (Per P) Department dated 28.12.1976, within the time frame stipulated by this Court.

2. Appointment can never be claimed as a matter of right. All appointments are to be made strictly in accordance with the Recruitment Rules. Equal opportunity in employment is the constitutional mandate. Thus, the Authorities Competent, while undertaking the process of selection, must ensure that the Recruitment Rules are followed scrupulously.

3. The claim of the writ petitioner is that the land belongs to his family was acquired and therefore, he is falling under the Land Losers Category. In this regard, a priority has been given for sponsoring his name through employment exchange. However, if the employees seek any such priority list through the employment exchange, the certificates of the petitioner are to be verified with its genuinity and accordingly, the claims are to be substantiated. At the outset, it is clarified that whenever a list is called for under the priority category of land loser, who suffered for land acquisition, the cases including that of the petitioner are to be considered in accordance with his employment seniority by following the procedures as contemplated.

4. With this clarification, this Writ Petition stands disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

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/ /2022

Sub Assistant Registrar(CS)

ssb

To

1.The Secretary,
The State of Tamil Nadu,
Labour Department,
Fort St.George, Chennai-600 009.

2.The Secretary,
The Tamil Nadu Construction Workers Welfare Board,
No.8, Valluvarkottam Highway,
Nungambakkam,
Chennai-34.



3.The Commissioner of Labour,
O/o.The Commissioner of Labour,
DMS Complex,
Teynampet,
Chennai.

4.The Assistant Commissioner of Labour,
O/o.The Assistant Commissioner of Labour,
Trichy District,
Trichy.

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-19621[F]
dated 20/04/2022)

+1 CC to M/s.SPL.GP (SR-19393[F] dated 19/04/2022)

W.P. (MD) No.8212 of 2019

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