



1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2023

CORAM

THE HON'BLE Mr. JUSTICE **C. V. KARTHIKEYAN**

W.P.No.31401 of 2016

N. C. Gopinath

.. Petitioner

Vs.

1. The Government of Tamil Nadu
Represented by its Secretary,
Department of Revenue,
Fort. St. George,
Chennai – 600 009.

2. The District Collector,
Kancheepuram.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent in proceedings Na.Ka.No.19250/2014/A4, dated 30.04.2016 and to quash the same.

For Petitioner

.. Mr. V. Vikram
For Ms. V. Srimathi

For Respondents

.. Mr. V. Nanmaran, Addl. Govt. Pleader

**ORDER**

WEB COPY

This Writ Petition has been filed in the nature of Certiorarified Mandamus seeking records of the 2nd respondent, the District Collector, Kancheepuram in Na.Ka.No.19250 / 2014 / A14 dated 30.04.2016 and to quash the same and direct the respondents to appoint the petitioner as Junior Assistant in the Census Department.

2. In the affidavit filed in support of the writ petition, it had been stated that the petitioner who was aged 42 years at the time of filing of the writ petition was appointed as Complier in the office of the Directorate of Census Operation on 19.07.1991. He served for almost 4 years. Thereafter, the Central Government had abolished the posts in Census Department including the post of Complier. The petitioner was discharged from service on 28.02.1994. The State Government however came to the rescue of those who had been discharged and passed G.O.Ms.No.246, Personnel and Administrative Reforms Department dated 29.08.2003, absorbing the retrenched Census Department employees who were in service from 1991. The employees who were so retrenched were absorbed in alternate posts by the State Government by letter dated 13.04.2005. The petitioner after being



retrenched had taken a decision to move out of Chennai and had moved over to Andhra Pradesh. He had simply disappeared from Tamil Nadu itself.

3. In the counter affidavit, there is a very specific averment made that the petitioner was issued with call letters by the respondents on 26.07.2006 and again on 22.11.2007 and yet again on 11.12.2007 calling upon the petitioner to avail of this opportunity of being absorbed into Government Service.

4. The petitioner having left the State of Andhra Pradesh probably for better employment, had not answered to the said letters issued by the respondents. Thereafter, the petitioner had come back and had given an application after substantial delay in the year 2015. Since that application was not processed, he filed W.P.No.27291 of 2015. A learned Single Judge by an order dated 04.09.2015 directed the respondents to examine the said representation of the petitioner herein and pass necessary orders.

5. The issue at that particular point of time was that the 2nd



respondent / District Collector, Kancheepuram, had stated that he would not be in a position to examine whether after such a long delay of nearly about 7 to 8 years, the petitioner could be absorbed in Government Service. It is also noted that the petitioner had crossed the age limit for initial employment in Government Service. The 2nd respondent had therefore addressed the 1st respondent seeking clarification. It was surrounding that particular clarification that the order in the aforementioned writ petition was focused. The clarification was finally received from the 1st respondent and it had been clarified by the 1st respondent that the petitioner could not be granted employment.

6. This was communicated by the impugned order to the 2nd respondent / District Collector, Kancheepuram, by an order dated 30.04.2016 in Na.Ka.No.19250/2014/A4.

7. The only issue which surrounds for consideration is the delay on the part of the petitioner in making application after nearly about 8 years from the date of which the respondents had taken a decision to absorb those who have retrenched from the Census Department. As a matter of fact,



appointment orders were issued on 13.04.2005 to nearly about 59 persons.

Thus, the bonafide of the respondents cannot be suspected. They had acted with good intention in providing employment to those who responded to the letters. The petitioner herein had not responded to the call letters issued.

8. It is to be noted that the petitioner had given the first representation only on 30.12.2013. By that time, he had crossed the age limit also for being considered for initial appointment in Government Service. Having slept over the issue, the petitioner had suddenly woken up and is seeking indulgence of this Court. He claims ignorance of the fact that the Government had taken a policy to give employment to those who have been retrenched, but that ignorance is the fault of the petitioner and should not put on the respondents.

9. It is also stated by the respondents that considering the case of the petitioner would set a bad precedent. This is a vital aspect since similarly placed individuals, will flood the Court or give representations seeking employment after sleeping over for a considerable number of years. Anybody who seeks employment should first be vigilant. To repeat the



petitioner was issued with letters calling upon him for employment on 26.07.2006, 22.11.2007 and again on 11.12.2007. The respondents can only issue letters. They cannot search for the petitioner. The petitioner was in Andhra Pradesh well out of reach of the respondents.

10. In view of these circumstances, the petitioner cannot claim any consideration from this Court. The request of the petitioner stands rejected and accordingly, this Writ Petition is dismissed. No costs.

18.07.2023

Index:Yes/No
Internet:Yes/No
Neutral Citation:Yes/No
Speaking order: Yes/No
smv



To

WEB COPY

1. The Secretary,
Department of Revenue,
Fort. St. George,
Chennai – 600 009.
2. The District Collector,
Kancheepuram.

C.V.KARTHIKEYAN,J.



WEB COPY

8



smv

W.P.No.31401 of 2016

18.07.2023