



W.P.(MD)Nos.22707 and 22755 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)Nos.22707 and 22755 of 2022

and

W.M.P.(MD).Nos.392 and 393 of 2023

W.P.(MD)No.22707 of 2022

1.N.Sudalai Mani
2.S.Selvakumar
3.V.Xavier

... Petitioners

Vs.

1.The Secretary,
Labour Welfare and Skill Development Department,
Secreteriate,
Fort St. George,
Chennai 600 009.

2.The Director,
Directorate,
Employment and Training Department,
Thiru.Vi.Ka.Industrial Estate,
Alandur Road,
Guindy,
Chennai 600 032.



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3.The Regional Joint Director of Training,
O/o.The Regional Joint Director of Training,
Employment and Training Department,
S.No.870/8, NGO B Colony,
Tirunelveli 627 007.

4.The Principal /Secretary,
Government Industrial Training Institute,
No.48, Madurai Road,
Tenkasi 627 811.

5.The Chairman (IMC),
Government Industrial Training Institute,
SMT Hi-Teck Polymer,
No.5/220-1, Kamaraj Nagar,
Muthu Krishnapuri,
Alangulam,
Tirunelveli 627 861.

6.S.Masanamuthu

7.S.Ramanathan

... Respondents

PRAYER in W.P.(MD).No.22707 of 2022: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Notification in Na.Ka.No.480/PPP/Advertisement, dated 17.09.2022 published in Dhinakaran Tamil Daily newspaper on 19.09.2022 on the file of the fourth respondent and quash the same as illegal and consequently to direct the respondent 1 to 5 to retain the petitioners with renewal of



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appointment on par with similarly placed contract instructors working in other Government Industrial Training Institutes in Tamil Nadu within the time stipulated by this Court.

For Petitioners	:	Mr.S.Louis
For R1 to R4	:	Mr.S.P.Maharajan Special Government Pleader
For R5	:	Mr.H.Arumugam
For R6	:	No appearance

W.P.(MD)No.22755 of 2022

M.M.Ramkumar

Vs.

... Petitioner

1.The Secretary,
Labour Welfare and Skill Development Department,
Secreteriate,
Fort St. George,
Chennai 600 009.

2.The Director,
Directorate,
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- 5.The Chairman (IMC),
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SMT Hi-Teck Polymer,
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Muthu Krishnapuri,
Alangulam,
Tirunelveli 627 861.

... Respondents

PRAYER in W.P.(MD).No.22755 of 2022: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Notification in Na.Ka.No.480/PPP/Advertisement, dated 17.09.2022 published in Dhinakaran Tamil Daily newspaper on 19.09.2022 on the file of the fourth respondent and quash the same as illegal and consequently to direct the respondent 1 to 5 to retain the petitioners with renewal of appointment on par with similarly placed Contract Office Assistant working



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in other Government Industrial Training Institutes in Tamil Nadu within the time stipulated by this Court.

For Petitioner : Mr.S.Louis
For R1 to R4 : Mr.S.P.Maharajan
Special Government Pleader
For R5 : Mr.H.Arumugam

COMMON ORDER

Since the issue involved in both the writ petitions is one and the same, they have been taken up together and disposed of by this common order.

2. The case of the petitioners is that the fourth respondent has issued a Notification dated 02.10.2020, calling for applications for selection of six sanctioned vacant posts under Public Private Partnership Scheme funded by Central government. The petitioners had applied for the posts of Diesel Mechanic Instructor, Welder Instructor and Contract Office Assistant at Government Industrial Training Institute, Tenkasi and they were selected



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and appointed vide appointment orders dated 25.02.2021 and 26.02.2021 for a period of eleven months. Immediately they were joined duty and discharging their duties. After completion of eleven months, the petitioners' service was not renewed and they were relieved from service on 31.01.2022 and 01.02.2022 respectively. On enquiry, it was informed that there was an enquiry pending against the Principal with regard to the petitioners' appointment. Thereafter, an enquiry was conducted and the petitioners were also participated in the enquiry. Since there was no progress, the petitioners have given several representations for renewal of their services and the same is still pending. In the mean while, the fourth respondent has passed the impugned Notification dated 17.09.2022, for fresh selection to the post of Instructors in Tenkasi ITI. Challenging the same, the present writ petitions have been filed.

3. The learned counsel appearing for the petitioners would submit that the present writ petitions have been filed solely on the ground that already the appellate authority viz., the third respondent vide letter dated 04.05.2022, directed the fourth respondent to renew the services of the



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petitioners for a period of eleven months. Contrary to the same, the present impugned notification has been issued. Hence, he prayed for allowing these writ petitions.

4. The learned Special Government Pleader appearing for the respondents 1 to 4 has not disputed the letter dated 04.05.2022 of the third respondent. However, he would submit that the petitioners are the contract employees for a period of eleven months and after expiry of eleven months, the petitioners have challenged the Notification issued by the fourth respondent dated 17.09.2022, which is not sustainable one. Hence, he prayed for dismissal of the writ petitions.

5. Heard the learned counsel for the petitioners, the learned Special Government Pleader appearing for the respondents 1 to 4 and the learned counsel appearing for the fifth respondent.

6. Admittedly, the fourth respondent has appointed the petitioners as Instructors and Office Assistant at Government Industrial Training



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Institute, Tenkasi, vide appointment orders dated 25.02.2021 and 26.02.2021 respectively. Though the appointment is for a period of eleven months, the third respondent vide letter dated 04.05.2022, directed the fourth respondent to renew the services of the petitioners for a period of eleven months. However, contrary to the same, the fourth respondent has issued the impugned Notification dated 17.09.2022, which is not sustainable one. Hence, the impugned Notification, dated 17.09.2022 is set aside and the Writ Petitions are allowed. However, this order will not stand on the way of the third respondent to conduct enquiry, if any lapse on the part of the petitioners and take appropriate action, in the manner known to law. No costs. Consequently, the connected Miscellaneous Petitions are closed.

10.01.2023

akv

To

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