



WP(MD)No.19683 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.19683 of 2016
and
WMP(MD)Nos.14199 to 14201 of 2016

K.Anand

... Petitioner

v.

1.The Managing Director,
Tamil Nadu Arasu Cable TV Corporation Ltd.,
Dugar Towers,
Marshels Road,
Egmore, Chennai – 600 008.

2.The Deputy Manager / Special Tahsildar,
Tamil Nadu Arasu Cable TV Corporation Ltd.,
S.N.High Road,
Near Poombukar,
Tirunelveli.

3.M.Murugan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
seeking issuance of a Writ of Certiorarified Mandamus calling for the records



WP(MD)No.19683 of 2016

pertaining to the impugned order in Sa.Mu.Order No.Na.Ka.13957/2014

dated 06.04.2016 issued by the first respondent and quash the same and consequently, directing the respondents 1 & 2 to follow proper procedure as per law, in the appointment of Taluk Cable Operator for Alangulam Taluk and Veerakeralam Puthur Taluk, Tirunelveli District.

For Petitioner : Mr.B.Prasanna Vinoth

For Respondents : Ms.Annie Abinaya
for R.1, R.2

No appearance for R.3

ORDER

This writ petition is filed as against the order of the first respondent / Managing Director, Tamil Nadu Arasu Cable TV Corporation Ltd., dated 06.04.2016 appointing the third respondent as Taluk Cable Operator.

2.Learned Counsel appearing for the petitioner submitted that Arasu Cable TV Corporation is appointing Taluk Cable Operators without following any procedures for the same. The persons, who are close to the Tahsildars



WP(MD)No.19683 of 2016

concerned, are being appointed as Taluk Cable Operators. He has also relied upon the order passed by a Division Bench of this Court in WP(MD)Nos. 20216 of 2015, 15347 of 2016, dated 25.11.2016, wherein, this Court has issued a direction to Arasu Cable TV Corporation to engage District Cable Operators and Taluk Cable Operators on lease, by calling for applications in the open market by prescribing essential qualifications and other norms.

3. According to the learned Counsel for the petitioner, the direction issued by the Division Bench of this Court was not complied with and in order to overcome the said directions, the Arasu Cable TV Corporation has now converted the classification from District Cable Operators / Taluk Cable Operators to Digital Service Distributors.

4. Learned Standing Counsel appearing for the Arasu Cable TV Corporation refuted the allegations made as against the Corporation and submitted that the category District Cable Operators / Taluk Cable Operators were during the analogue period and after the digitization, they have been classified as Digital Service Distributors. It is not an intentional classification,



WP(MD)No.19683 of 2016

as projected by the petitioner's Counsel. He further submitted that the petitioner was having arrears and therefore, his application for Taluk Cable Operator was not considered, at that relevant point of time. The third respondent, who was in business from the year 2011 and providing signals to the Taluk, was having all qualifications and therefore, he was considered and appointed as Taluk Cable Operator.

5.This Court considered the rival submissions made on either side.

6.Arasu Cable TV Corporation is a Government undertaking established with a noble object of providing Cable TV signals in a subsidised rates to the public. The Arasu Cable TV Corporation, which was having a base of 65 Lakh customers during the analogue period when it was established, is now having a base of 14 Lakh customers.

7.The Corporation, being a Government undertaking, has to appoint the Taluk Cable Operators / District Cable Operators / Digital Service Distributors, in a fair manner, by calling for applications from the eligible



WP(MD)No.19683 of 2016

persons, instead of selecting the persons depending upon the whims and
fancies of the officers.

8.A Division Bench of this Court has already considered this issue in WP(MD)Nos.20216 of 2015, 15347 of 2016 dated 25.11.2016 and has also issued a direction to the Arasu Cable TV Corporation to appoint the Taluk Cable Operators / District Cable Operators on lease, by calling for applications in the open market, prescribing the essential qualifications and other norms. As a Government undertaking, this would be the proper procedure for the Arasu Cable TV Corporation to appoint the Operators.

9.Considering that some other person has already been appointed in the petitioner operational area and considering the submissions made by the learned Standing Counsel, this writ petition is disposed of with a direction to the Arasu Cable TV Corporation to appoint Taluk Cable Operator / District Cable Operator / Digital Service Distributor, as the case maybe, in future, by calling for applications from the eligible persons in a fair manner.



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WP(MD)No.19683 of 2016

B.PUGALENDHI, J.

gk

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
NCC : Yes / No
gk

28.06.2023

WP(MD)No.19683 of 2016