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W.P.No.24983 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.24983 of 2010

and

M.P.Nos.1 & 2 of 2010

W.H.Sivaraman

...Petitioner

Vs

1.The Government of Tamil Nadu,
Rep by Secretary Labour & Employment,
Secretariat, Chennai.

2.The Assistant Director,
The Employment Exchange,
Technical & Professional Employment,
Jaiprakash Narain Maaligai, Kuil Thottam,
140 Santhome Road, Chennai.

3.The CMDA,
Rep by Chief Executive Officer/
Appellate Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road, Egmore,
Chennai – 8.

4.S.Lakshmi Prabha,
Systems Analyst,
CMDA, Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road, Egmore,
Chennai – 8.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent ending with order dated 26/08/2010 in Lr.No.G/PIO/11324 and quash the same and consequently appoint the petitioner to the post of System Analyst in the 3rd respondent office with all attendant and monetary benefits.

For Petitioner : M/s.M.Ravi
: Priya Ravi
For Respondents : Mr.V.Ramesh
Government Advocate (for R1 & R2)
: Mr.Arun Kumar (for R3)
: Mr.P.Ramanathan (for R4)

ORDER

This Writ petition has been filed to call for the records of the third respondent ending with order dated 26/08/2010 in Lr.No.G/PIO/11324 and quash the same and consequently appoint the petitioner to the post of System Analyst in the third respondent's office with all attendant and monetary benefits.

2.The learned counsel for the petitioner submitted that the petitioner is a MCA degree holder and he had registered with the second respondent for employment and renewed periodically. He came to know



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that the third respondent had vacancy in the post of System Analyst and second respondent had sent the list of candidates in the ratio of 1:1 to fill up one post of System Analyst. The fourth respondent had registered after the petitioner and he understood that she was selected ahead of the petitioner. Later, he came to know from the impugned order of the third respondent that, a letter dated 20.07.2010 had been purportedly sent to him and he had not attended the office for verification of testimonials. The letter sent to him said to have been returned undelivered as addressee not found. Then the second respondent forwarded the name of the fourth respondent and the fourth respondent was selected. Petitioner's submission is that, the alleged sending of letter to him and it had been returned undelivered as "addressee not found" is false and not correct for the reason that he resides permanently in that address. In support of his submission, he produced the copies of the Aadhar card, Driving license, employment card etc., He further submitted that the denial of the post of the System Analyst to the petitioner is illegal and thus this writ petition.

3.In response, the learned counsel for the third respondent



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submitted that the petitioner's name was sponsored by the second respondent. A letter dated 07.07.2007 was sent to the petitioner with a request to report before the Administrative Officer of CMDA on any working day between 11 a.m., and 3.00 p.m. with all his testimonials for verification within seven days from the date of receipt of a copy of the letter. Petitioner had not appeared before the Administrative Officer of CMDA. Thereafter, another letter dated 06.08.2007 was sent to him referring to the letter dated 07.07.2007, his absence till the date of issuing the second letter and with a direction to report on or before 17.08.2007, for the purpose of verification. It was specifically stated in the said letter that, failing appearance will result in cancellation of the candidature. This letter was sent through registered post. The postman had visited the address given in the letter multiple times and found that the petitioner was not residing in the said address. Therefore, the letter with the cover was returned to the third respondent. He further submitted that the third respondent requested the second respondent to sponsor another name. In pursuance of the said request, the second respondent sponsored the name of the fourth respondent. Since the fourth respondent was found suitable for the post, she was selected for appointment. Thus, the learned



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counsel for the third respondent submitted that only after giving sufficient opportunity to the petitioner and on failure of the petitioner to appear before the third respondent for verification of testimonials, after waiting for a period of one month, the fourth respondent was appointed by following necessary procedure.

4.The learned counsel for the fourth respondent submitted that the fourth respondent received the call letter on 25.02.2008 and she was appointed by an order dated 27.04.2008 and joined duty on 14.05.2008. Her appointment is in accordance with the procedure established by law and it cannot be challenged.

5.The learned counsel for the first and second respondents supports the submissions of the learned counsel for the third and fourth respondents.

6.Considered the rival submissions and perused the records.

7.From the petition averments, submissions of the parties, it is the



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case of the petitioner that the petitioner is residing at No.37, Bajanai Koil Street, Choolaimedu, Chennai – 94. This is the address given to the employment exchange. A letter from the Assistant Director, the Employment Exchange, Technical & Professional Employment, No.56, Santhome High Road, shows that the petitioner's name was sponsored for the post of System Analyst. The address given in the said letter is W.H.Sivaraman, C/o. S.Krishnan, No.37, Bajanai Koil Street, Choolaimedu, Chennai – 94. Petitioner had given only the care of address and it appears that it is not his permanent address, though he produced records to show that this address is his permanent address. Whether it is a permanent address or care of address, the records produced by the third respondent shows that the letter requesting him to appear before the Administrative Officer of CMDA for verification of his testimonials was sent to this address. The first letter was sent on 07.07.2007 asking him to appear within 7 days from the date of receipt of the letter between 11.00 a.m. to 3.00 p.m. with all his testimonials. It appears that this letter was not received. The returned cover is not produced. However, the second letter dated 06.08.2007 giving time till 17.08.2007 for the petitioner's appearance was sent through registered



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post. The postal cover along with the copy of the letter is produced for the perusal of this Court. The postman visited the petitioner's house for three or four times to the address given by the petitioner and found that the petitioner is not residing in the said address. In the said circumstances, the postal cover with the letter was returned. Thereafter, as per the request of the third respondent, the second respondent sponsored the name of the fourth respondent and the fourth respondent was appointed.

8.In the said circumstances, this Court finds that there is no illegality in appointing the fourth respondent to the post of the System Analyst. The petitioner has not impleaded the postal authorities as a respondent in this case. From the materials produced, it is clearly established that the respondents 1 to 3 had followed proper procedure in the appointment of the fourth respondent. Therefore, this petition has no merits and it is liable to be dismissed.

9.Accordingly, this Writ Petition stands dismissed. No Costs.



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Consequently, connected miscellaneous petitions are closed.

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Internet: Yes

Index: Yes/No

Speaking/Non speaking order

NCC: Yes/No

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G.CHANDRASEKHARAN, J.

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