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W.P.No.6883 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.6883 of 2021

R.Ragevendran

...

Petitioner

/vs/

1. The Chairman cum Managing Director,
6th Floor, TANTRANSCO Building,
No.114, Anna Salai,
Chennai.

2. The Chief Engineer / Personal,
TANGEDCO,
Chennai.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to consider the petitioner's candidature for the post of Field Assistant (trainee) on par with the other candidates and to accept the application in the offline mode without insisting the age limit as per notification No.05 of 2020 dated 19.03.2020.



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For Petitioner ... Mr.R.Lokeshwaran
for Mr.M.Sathish Kumar

For Respondents ... Mr.K.Rajkumar
Standing Counsel for TNEB

ORDER

The petitioner has filed this writ petition seeking a writ of mandamus directing the respondents to consider his candidature for the post of Field Assistant (trainee) on par with the other candidates and to accept the application in the offline mode without insisting the age limit as per notification No.05 of 2020 dated 19.03.2020.

2. As per the job notification for which the petitioner had applied, the age limit is 32 years as on 17.09.2019. Though the petitioner was born on 15.05.1986 and had crossed the age limit of 32 years, he applied to the post of Field Assistant.

3. Mr.R.Lokeshwaran, the learned counsel for the petitioner, submitted that though the petitioner was a successful candidate for the past two recruitments held in the year 2009 & 2013, he was not recruited by the



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respondents. He further submitted that the candidates who were similarly placed like the petitioner were given with the appointment based on a compromise memo and hence the said benefit should be extended to the petitioner as well.

4. Mr.K.Rajkumar, the learned Standing Counsel for the respondents, has brought to the attention of this Court the order of the Hon'ble Supreme Court in ***R.Muthukumarand others Vs. The Chairman and Managing Director TANGEDCO & ors. in Civil Appeal No.1144 of 2022***, wherein it is held that the compromise is between the respondents and 84 individual persons and it was not based on the merits and not based on any independent assessment of the merits of their claim as well. It is further observed that the subsequent litigants cannot get the benefit of the orders on the basis of the compromise. It is because the compromise order cannot be treated as an order *in rem* or as a binding precedent. Hence, the candidates who did not approach the Court in time to get the benefit of compromise cannot be allowed to piggyback on the basis of the compromise order.



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5. This petitioner has also relied on the said compromise which was entered into between the respondent and 84 persons. Since he is not a party to the said compromise, he cannot pressure the order based on the compromise as an order *on rem* or an order passed on merit by conferring any right by deciding any issue on its own merits. It is made crystal clear that no more person could claim the benefit of parity on the basis of compromise and such claims cannot be justified in law.

6. However the petitioner claims that just because the other similarly placed persons had not approach the Court earlier, they cannot be treated differently.

7. The petitioner relied on the order of the learned single Judge of this Court in W.P.No.8673 to 8676 / 2016 and batch in support of his contention. However, the order of the Hon'ble Supreme Court would supersede the order of the learned single Judge of this Court. Since the Hon'ble Supreme Court has settled the position of law by holding that an order based on the compromise between the two parties cannot be



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considered as an order *in rem*, the petitioner's claim cannot be entertained and hence no positive order can be passed in his favour as claimed by him.

8. In view of the reasons stated above, this Writ Petition is dismissed.

No costs.

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Index: Yes / No

Speaking order / Non-speaking order

Neutral Citation Case: Yes / No

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R.N.MANJULA ,J.

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