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W.A. Nos. 1690 & 1753 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2024

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

AND

THE HONOURABLE MR. JUSTICE G. ARUL MURUGAN

W.A. Nos. 1690 & 1753 of 2021

&

C.M.P. Nos. 16050, 10781 & 10985 of 2021

W.A. No. 1690 of 2021

R. Gunasekaran

..Appellant

Vs.

1. State of Tamil Nadu,
rep. by Secretary to Government,
Labour and Employment Dept.,
Fort St. George,
Chennai – 600 009.
2. The Director of Employment & Training,
Commissionerate of Employment &
Training,
Alandur Road, Thiru-vi-ka Industrial
Estate, Chennai – 600 028.



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3. The District Employment Officer,
District Employment Office,
Tiruvannamalai District,

Tiruvannamalai.

..Respondents

Prayer: Writ Appeal as against the order dated 22.07.2020 passed in

W.P. No. 5030 of 2015.

For Appellant :: Mr. Niranjana Rajagopalan
for M/s. G.R. Associates
For Respondents :: Mrs.V. Yamuna Devi,
Special Government Pleader

W.A. No. 1753 of 2021

R. Gunasekaran

..Appellant

Vs.

1. The Tamil Nadu Electricity Board,
rep. by its Chief Engineer (Personnel),
No.144, Anna Salai,
Chennai – 600 002.

2. The Superintending Engineer,
Tamil Nadu Electricity Board,
Tiruvannamalai EDC,
Tiruvannamalai,
Tiruvannamalai District.

3. The District Employment Officer,
Tiruvannamalai District,
Tiruvannamalai.

..Respondents



W.A. Nos. 1690 & 1753 of 2021

Prayer: Writ Appeal as against the order dated 22.07.2020 passed in

W.P. No. 33324 of 2013.

For Appellant :: Mr.Niranjana Rajagopalan
for M/s. G.R. Associates
For Respondents :: Mr.K. Rajkumar
for R1 & R2
Mrs.V. Yamuna Devi,

Special Government Pleader for R3

COMMON JUDGMENT

(Delivered by G. ARUL MURUGAN,J.)

These two intra court appeals arise out of the common order dated 22.07.2020 passed in W.P. Nos. 5030 of 2015 & 33324 of 2013 respectively.

2. Short facts necessary for the disposal of the above writ appeals are as hereunder:

(i) The appellant/writ petitioner, after completion of Diploma in Electrical and Electronic Engineering in the year 1992, registered his name with the District Employment Office/3rd respondent in both appeals on 27.11.1992 and he was assigned Registration No.12760 of 1992. Thereafter, the appellant had been renewing the registration from time to



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time. The last of such renewal was on 23.10.2020. Thereafter, when the appellant went in person to the 3rd respondent office to renew his registration in November, 2013, it was refused and he was informed that his name has been removed from the rolls of Employment Exchange.

(ii) On enquiry, he came to know that the officials of the 3rd respondent office had indulged in mal practice and sponsored a candidate illegally with his employment registration. Since that person had obtained appointment, the appellant's name came to be removed from the Employment Exchange illegally. Therefore, the appellant approached this Court by way of three writ petitions namely, W.P. No. 31969 of 2014 for issue of a Writ of Mandamus directing the 3rd respondent to conduct vigilance enquiry in respect of employment registration renewal of the writ petitioner (appellant herein) bearing Registration No. 12760/1992 and not sponsoring his name for the post of Laboratory Assistant in Tiruvannamalai District for the recruitment year 2014-2015; W.P. No. 5030 of 2015 for issue of a Writ of Certiorarified Mandamus to call for the records relating to the new employment registration card issued in favour of the petitioner dated 11.12.2014 with registration No.TMD2014M00021168 and the impugned



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order dated 28.01.2015 in proceeding No.A1/8272/2014 issued by the 3rd respondent herein, quash the same, further direct the 3rd respondent herein to renew the original employment registration of the petitioner with registration No. 12760/1992 and W.P. No. 33324/2013 for issue of a Writ of Mandamus directing the 3rd respondent to renew the Employment Registration of the petitioner bearing Registration No. 12760/1992 which was renewed from time to time without any break till November, 2013 forthwith.

(iii) When the writ petitions were taken up for hearing, it was submitted on behalf of the respondents that during the pendency of the writ petitions, enquiry report was submitted to the Government recommending disciplinary action against the officials, who had erred and failed to renew the petitioner's employment registration and that orders were awaited. It was further submitted that in the meanwhile, the 3rd respondent had also renewed the petitioner's employment registration bearing No. 12760/1992 and therefore the prayer sought in the writ petitions has been complied with and that nothing survives for adjudication.

(iv) Recording the aforesaid submission made on behalf of the



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respondents, the writ petitions were closed observing that nothing survives for adjudication. However, in the light of the stand taken by the respondents that orders were yet to be passed on the enquiry report pending with the Government, the learned Single Judge directed the Government to take a decision in respect of the report submitted in pursuance to the vigilance enquiry in accordance with law, within a period of three months from the date of receipt of a copy of the said order. Further, it was made clear that pursuant to the renewal of petitioner's employment registration, the original employment registration seniority of the petitioner would stand restored, if not already done. Aggrieved by the said order, the present writ appeals have been filed.

3. Heard Mr.Niranjan Rajagopalan, learned counsel for the appellant and Mr.K. Rajkumar, learned counsel for respondents 1 and 2 in W.A. No. 1753 of 2021 and Mrs. Yamuna Devi, learned Special Government Pleader for respondents in W.A. No. 1690 of 2021 and 3rd respondent in W.A. No. 1753 of 2021.

4. Today, when the appeals are taken up, learned Special



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Government Pleader by placing the original files containing the enquiry report submitted by the Vigilance Department submitted that the error had crept in, during the course of computerisation of records and in the place of petitioner's/appellant's registration number, another person, one G.Rangan has been sponsored and he has been selected as MMV Technical in Tamil Nadu State Transport Corporation. However, the mistake had occurred only in view of computerisation process and therefore the registration of the petitioner/appellant herein was erroneously shown as closed. Only in view of the said fact, the petitioner's renewal of registration was refused. However, subsequently, his name has been registered afresh and his original seniority has been restored.

5. Learned counsel for the appellant submitted that though the respondents have taken disciplinary proceedings against the erring officials, in view of the mistake committed by the authority concerned, the appellant has lost his opportunity of employment for which the respondents are liable to compensate him.

6. We do not propose to give a finding on this aspect. It is always



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open to the appellant to establish before the appropriate Court, if at all he has suffered any loss and seek damages for the mistake committed by the respondents.

7. It is brought to our notice that pursuant to the report of the Vigilance Department, departmental proceedings have already been taken against the 3rd respondent and punishment of stoppage of increment for a period of six months without cumulative effect has also been imposed vide G.O.(2D) No. 46 Labour and Employment Department dated 28.10.2020.

8. In view of the fact that already the registration of the petitioner/appellant has been renewed and his seniority in the rolls of Employment Exchange has been restored as directed by the Writ Court, no further orders are required in these writ appeals. Hence, the writ appeals are disposed of giving liberty to the appellant to proceed for compensation if, he is so advised, before the appropriate forum in the manner known to law. It is further made clear that if the appellant has any grievance with regard to the enquiry conducted by the Vigilance Department, it is open to him to make a representation before the authority concerned and it is for the authority concerned to look into the same. No costs. Connected miscellaneous



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petitions are closed.

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nv

(A.S.M.J.) (G.A.M.J.)

05.12.2024

To

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Labour and Employment Dept.,
Fort St. George,
Chennai – 600 009.
2. The Director of Employment & Training,
Commissionerate of Employment &
Training,
Alandur Road, Thiru-vi-ka Industrial
Estate,
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3. The District Employment Officer,
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Tiruvannamalai.



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W.A. Nos. 1690 & 1753 of 2021

DR. ANITA SUMANTH,J.

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G. ARUL MURUGAN,J.

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