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W.P.No.12040 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.BHARATHA
CHAKRAVARTHY**

Writ Petition No.12040 of 2024

S. Muruganantham

... Petitioner

Vs.

1. The State of Tamil Nadu
rep.by its Additional Chief
Secretary to Government,
Labour Welfare and Skill Development Department
Fort St.George, Chennai 600 009.
2. Union of India
Rep.by its Secretary to Government
Ministry of Consumer Food and Public Distribution,
Legal Metrology Unit, Krishi Bhavan,
New Delhi 110 001.
3. The Director of Legal Metrology
Department of Consumer Affairs,
Weights and Measures Unit
Government of India
Krishi Bhavan New Delhi 110 001.
4. The Commissioner of Labour
O/o.The Commissioner of Labour,
DMS Building Teynampet,
Chennai 600 006.



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5. The Controller of Legal Metrology
O/o.The Commissioner of Labour,
DMS Building Teynampet,
Chennai 600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents 1, 4 and 5 to post Labour officers of all cadres in the 4th respondent department with requisite qualification prescribed under Rule 28(1) of Legal Metrology (General) Rules 2011 as Legal Metrology Officers and consequently post the petitioner as Legal Metrology Officer in the 4th respondent Department.

For Petitioner : Mr.S.Selva Thirumurugan

For Respondents : Mr.Stalin Abimanyu
Addl. Govt. Pleader for R1, R4 & R5
Mr. G.Srinivasan for R2 & R3

ORDER

This writ petition is filed seeking for a writ of mandamus directing the respondents 1, 4 and 5 to post Labour officers of all cadres in the 4th respondent department with requisite qualification prescribed under Rule 28(1) of Legal Metrology (General) Rules 2011 as Legal Metrology Officers and consequently post the petitioner as Legal Metrology Officer in the 4th respondent Department. .



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2. The learned counsel appearing for the petitioner submitted that the State Government has sought for exemption from the Central Government, however by communication dated 24.02.2023 already the Central Government has rejected the plea of relaxation. In that view of the matter the respondents ought to have appointed the petitioner who are all qualified to be Legal Metrology Officers.

3. Per contra, Mr.Stalin, the learned Additional Government Pleader appearing for the respondents 1, 4 & 5 submitted that the writ petition for mandamus would not lie even without making a prayer before respondents.

4. Mr.G.Srinivasan, the learned counsel appearing for the 2nd & 3rd respondents submitted that as far as the Union of India is concerned the request of the State for relaxing the qualification has already been rejected.

5. Heard both sides and perused the materials available on record.



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6. As rightly contended by the learned Additional Government Pleader before approaching this Court by way of writ of mandamus, the petitioner ought to have made a request to the respondents and if only the same has not been considered/refused, thereafter the cause of action arises to file a writ of mandamus. In that view of the matter, the writ petition is disposed of on the following terms:-

1. The petitioner is directed to make a representation to the respondents within a period of 4 weeks from the date of receipt of a copy of this order.
2. As and when such representation is made the 1st & 4th respondents are directed to consider the same in accordance with law and on its own merits and pass speaking order within a period of eight weeks therefrom. No costs.

03.06.2024

Neutral Citation: No
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To

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D. BHARATHA CHAKRAVARTHY, J.

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