



WEB COPY



W.P.No.19064 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.19064 of 2020

A.Manoharan

...Petitioner

-Vs-

**1.State of Tamil Nadu,
Rep. by its Secretary,
Labour & Employment (P2) Department,
St. George Fort, Chennai – 600 009.**

**2.The Director,
Directorate of Employment & Training,
Guindy, Chennai – 600 032.**

...Respondents

****R-1 deleted from the cause title vide Court order dated 13.11.2024
made in W.M.P.No.8512 of 2022 in W.P.No.19064 of 2020**

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent in Na.Ka.No.167/12/Tho.Nu.Pa.2/2014 dated 30.12.2019 and quash the same and further directing the second respondent to consider the petitioner was in service from the year 2000 and to issue all other service benefits with retrospective effect and pass such further orders.



WEB COPY



W.P.No.19064 of 2020

For Petitioner : Mr.C.Samivel
For Respondents : Mr.S.Prabhakaran
Government Advocate

ORDER

This writ petition is filed seeking to quash the impugned order passed by the second respondent in Na.Ka.No.167/12/Tho.Nu.Pa.2/2014 dated 30.12.2019 and directing the second respondent to consider the petitioner was in service from the year 2000 and to issue all other service benefits with retrospective effect.

2. The case of the petitioner is as follows:

2.1 The petitioner is currently working as an Assistant Training Officer, Government Industrial Institute at Pudukkottai. Originally on 02.09.2014, the petitioner was appointed in the post of Junior Training Officer (J.T.O), Salem. Thereafter on 08.12.2017 his service was regularized and he was promoted as an Assistant Training Officer at Government Industrial Institute at Pudukkottai from 02.1.2018, now working at Pudukkottai.

2.2 The petitioner qualified in I.T.I. in Trade of Turner and registered



W.P.No.19064 of 2020

with the District Employment Exchange at Salem on 11.09.1985 and had also completed Apprenticeship in Trade of Turner and obtained National Apprenticeship Certificate (NAC) on October 1987. Subsequently on 29.02.1988, he was registered in the Employment Exchange Office at Salem.

2.3 The 2nd respondent has proposed to fill up 237 posts of Junior Training Officer and the petitioner was called for an interview for the said post on 29.11.2000 and he attended the interview on 12.12.2000. After successfully completing all the formalities, he was provisionally selected for the said post, wherein he was placed under S.Nos.160 out of 237 posts.

2.4 Since his name was not listed in the final list, the petitioner filed a writ petition in W.P.No.29062 of 2012 praying for a direction to appoint him to the post of Junior Training Officer in pursuant to the letter dated 23.09.2011 as per the seniority list with retrospective effect.

2.5 The 1st respondent issued a Government Order in G.O.Ms.No.288, Labour and Employment Department dated 13.12.2013 and it was modified as 1:1 between Degree / Diploma Certificate Holder instead of 1:1:1 ratio among National Trade Certificate / National Apprentice Certificate / Diploma



W.P.No.19064 of 2020

Holders vide G.O.Ms.No.152, Labour and Employment Department dated

15.11.1998.

2.6 Aggrieved by the Government Order issued by the 1st respondent, the petitioner challenged the said G.O. in W.P.No.7570 of 2014. On 14.02.2017, this Court dismissed the petitioner's writ petition after making certain observations regarding future vacancies.

3. Learned counsel appearing for the petitioner submitted that the petitioner made several representations to the 2nd respondent as well as the Commissioner on calling upon them to treat his service from 2000 onwards and settle all the service benefits according to the old pension scheme. Thereafter on 22.11.2018 and 30.09.2019, the petitioner sent representations to the respondents. The 2nd respondent rejected his claim for considering his service from 2000 onwards and passed the impugned order on 30.12.2019. Challenging the impugned order passed by the 2nd respondent, the petitioner has come forward with a present writ petition.

4. Learned counsel further submitted that in the year 2014, the petitioner attended another interview and certificate verification was also



W.P.No.19064 of 2020

done. Thereafter, he was appointed vide appointment order dated 02.09.2014. Since the petitioner was successful in the interview held on 12.12.2000 and was placed in S.Nos.160 of 237 posts, the service of the petitioner has to be considered from the year 2000 and should be granted all other service benefits according to the old pension scheme to the petitioner.

5. A counter affidavit was filed by the second respondent on 19.02.2021 and the relevant portion is extracted hereunder:

“4. It is submitted that the petitioner himself admits that the writ petition No.7570 of 2024 filed by him has been dismissed with the following observations.

“The respondents, in the event of filling up future vacancies of Junior Training Officers, shall also adopt transparency and act strictly in accordance with the relevant norms and regulations and if the petitioners are eligible for consideration, subject to fulfillment of prescribed criteria, their claims have also to be considered”

Further it is submitted that the respondents herein follows the above observations made by the Hon'ble High Court in the recruitment process made after 2014 in consonance with the orders issued in G.O.Ms.No.44, Labour and Employment Department, dated 11.03.2015 and G.O.Ms.No.156, Labour and Employment Department, dated 28.09.2015 to make the recruitment process transparent and strictly accordance with the rules in force.”



W.P.No.19064 of 2020

WEB COPY 6. Heard both sides and perused the materials available on record.

7. In the case on hand, the petitioner had initially attended the interview for the post of Junior Training Officer (J.T.O) on 12.12.2000 and successfully completed all the formalities. However, he was only selected provisionally for the said post and no appointment orders were issued to him. It is seen that the petitioner was appointed on 02.09.2014 based on the fresh interview and after the certificate verification held in the year 2014 hence the service of the petitioner has to be calculated only from the year 2014 and not from the year 2000 as prayed for by the petitioner.

In the result, the writ petition stands dismissed with the above observations. No costs.

13.11.2024

cda

Index : Yes / No

Speaking/Non Speaking order



WEB COPY



W.P.No.19064 of 2020

To

The Director,
Directorate of Employment & Training,
Guindy, Chennai – 600 032.

J.SATHYA NARAYANA PRASAD, J.

cda



WEB COPY



W.P.No.19064 of 2020

W.P.No.19064 of 2020

13.11.2024