



W.P.No.237 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.237 of 2020 and
W.M.P.No.16912 of 2021

A.D.Surendar

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by its Secretary,
Tamil Nadu Development and Information Department,
Secretariat, Chennai 600 009.

2.The Director of Information and Public Relations,
The Information Department, 8th Floor,
Secretariat, Chennai 600 009.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the order dated 04.07.2019 vide proceedings in No.16065/F.T.I/2014 on the file of the first respondent and quash the same and consequently, direct the respondents to grant employment to the petitioner with attendant and all other benefits due to the petitioner after counting the earlier service.

For Petitioner : Dr.S.S.Swaminathan

For Respondents : Mr.T.Chezhiyan, AGP



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W.P.No.237 of 2020

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus, to call for the records of the order dated 04.07.2019 vide proceedings in No.16065/F.T.I/2014 on the file of the first respondent and quash the same and consequently, direct the respondents to grant employment to the petitioner with all attendant benefits due to the petitioner after counting the earlier service.

2. Heard Dr.S.S.Swaminathan, learned counsel for the petitioner and Mr.T.Chezhiyan, learned Additional Government Pleader for the respondents.

3. The petitioner is a retrenched employee of the erstwhile Tamil Nadu Film Development Corporation. Since the above Corporation was closed, the employees were given with the benefit of voluntary retirement by giving relaxation in terms of number of years of service required for voluntary retirement. Subsequently, the petitioner and similarly placed persons have been applying to get jobs in various departments by seeking



W.P.No.237 of 2020

priority.

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4. The learned counsel for the petitioner submitted that the Director of Information and Tourism Department sent a letter on 09.02.2004 to the Managing Director of the Tamil Nadu Film Development Corporation Limited by stating that no recruitment is done in the Government Department in view of the complete ban in employment. Now the learned counsel for the petitioner claims that the petitioner's appointment cannot be made only in view of the ban and hence, appropriate direction should be given to the respondents to consider the petitioner's re-appointment as how it has been done in the case of other Corporations where their employees have been retrenched.

5. The petitioner and similarly placed persons have already filed a Writ Petition in W.P.Nos.23600 of 2009 and 25572 of 2014, wherein orders have been passed to consider the representation of the petitioners therein by the Government and pass orders. After consideration, an order has been passed on 04.07.2019 by the first respondent by stating that the Government employees who wanted to retire from service through



W.P.No.237 of 2020

voluntary retirement scheme and who availed the said benefit cannot be allowed to seek re-employment. It is further observed that if such re-employment is provided it will open flood gates to those employees who went on voluntary retirement.

6. But the case of the petitioner and others are slightly different because they have not gone on voluntary retirement on their own volition but only due to compelling circumstances in view of the closure of the Corporation. When better benefit is given at the time of retrenchment to the employees going on voluntary retirement instead of resignation or on technical retrenchment, it is inevitable for the petitioner to go on voluntary retirement. Hence the case of the petitioner cannot be equated with other employees in Government Department who go on voluntary retirement during their regular employment.

7. However, the petitioner cannot base his claim on one letter which states that there is no scope for employment of the petitioner and like others in view of the ban on the employment which was in force at



W.P.No.237 of 2020

that point of time and which has been lifted subsequently. It is true that the retrenched employees of some other Corporation were given with the benefit of priority in re-employment in some of the departments after the Government has considered their plight and issued Government Orders specially for that purpose.

8. In the case of the petitioner and others, the Government has not passed any order so far by considering their plight as similar as that of the orders issued in respect of the other retrenched employees of the other Corporations. Hence, it is for the Government to consider the petitioner's situation and frame any appropriate scheme and pass any orders, if it is possible and feasible, as similar as that of the orders passed in the case of other retrenched employees of some of other Corporation like Tamil Nadu Steel Limited etc.

9. With the above observations, this Writ Petition is disposed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes /No
Internet : Yes/No

21.02.2024



W.P.No.237 of 2020

Speaking / Non-speaking
gsk

R.N.MANJULA, J.

gsk

To

- 1.The Secretary,
Tamil Nadu Development and Information Department,
Secretariat, Chennai 600 009.
- 2.The Director of Information and Public Relations,
The Information Department, 8th Floor,
Secretariat, Chennai 600 009.

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