



W.P.(MD)No.5137 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2024

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.5137 of 2019

T.Arikrishnan

: Petitioner

Vs.

1.The Project Director,

Nuclear Power Corporation of India Limited,

Kudankulam Nuclear Power Project,

Kudankulam,

Radhapuram Taluk,

Tirunelveli District.

2.The Deputy General Manager (HR),

Nuclear Power Corporation of India Limited,

Kudankulam Nuclear Power Project,

Kudankulam,

Radhapuram Taluk,

Tirunelveli District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the first respondent to appoint the petitioner in the post of Helper or any other suitable post in any of the existing vacancy under the Land Loser Priority Category within the time period stipulated by this Court.



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For Petitioner : Mr.G.Karthik
for M/s.T.Lajapathi Roy & Associates
For Respondents : Mr.C.Muthusaravanan

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the first respondent to appoint the petitioner to the post of Helper or any other suitable post in any of the existing vacancy under the Land Loser Priority Category within a time frame to be fixed by this Court.

2.The following are the undisputed facts:

a) The petitioner was terminated from service of the respondent Corporation and his termination was challenged by him in a writ petition. The said writ petition came to be dismissed and Writ Appeal was also filed and the same also got dismissed.

b) In the aforesaid writ petition, the petitioner had raised similar grounds as raised in this writ petition.

c) The petitioner relies upon an observation made by the Division Bench of this Court in its order dated 17.12.2019 passed in W.A.(MD)No.337 of 2012, wherein while dismissing the Writ Appeal filed by the petitioner, an observation was made that without prejudice to the rights of the appellant to seek employment wherever he can possibly approach.



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3.The petitioner claims that in view of the said observation he is entitled to give representation to the respondent Corporation for seeking employment in their Corporation.

4.On the other hand, learned Standing Counsel appearing for the respondent Corporation drew the attention of this Court to the interim order dated 26.08.2019 passed in Writ Appeal filed by the very same petitioner in W.A.(MD)No.337 of 2012 pertaining to the very same subject matter, wherein the Division Bench of this Court has observed that the case of the petitioner is an abuse of process of law. As seen from the said order, the petitioner has chosen to file writ petitions before this Court as reflected in the said order with regard to the very same subject matter.

5.A Mandamus can be issued only when the petitioner is having a statutory right. In the case on hand, the petitioner has chosen to file this writ petition based on an observation made by the Division Bench of this Court while dismissing the Writ Appeal filed by the petitioner in W.A.(MD)No.337 of 2012. In the said observation, no direction has been issued to the respondents to consider the petitioner's representation, in case the petitioner chooses to do so seeking for employment in the respondent Corporation.



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6.When the Division Bench had dismissed the Writ Appeal filed by the petitioner in W.A.(MD)No.337 of 2012 on 17.12.2019, the question of directing the respondent to consider the petitioner's representation seeking for employment of the petitioner in the respondent Corporation does not arise as there is no statutory right available to the petitioner to seek employment in the respondent Corporation when his writ petition filed earlier challenging the termination had been dismissed by the learned Single Judge and confirmed by the Division Bench of this Court.

7.For the foregoing reasons, there is no merit in this writ petition.

8.Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

19.09.2024

Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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ABDUL QUDDHOSE, J.

MR

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