



WP(MD) No.15839 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **15.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.15839 of 2024

P.Pabitha Vedlet Paul

... Petitioner

Vs.

1.The State rep.by the Secretary to Government,
Department of Labour and Employment,
Fort St.George, Chennai-600 009.

2.The Director of Employment & Training,
Guindy, Chennai-600 032.

3.The District Employment Officer,
Nagercoil,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the third respondents in his proceedings in A1/1081/2024 dated 26.03.2024 quash the same and direct the respondents to sponsor and appointing the petitioner based on his seniority in respect of Dependent of Ex-serviceman priority and gives seniority since 2004 as the third respondent failed to sponsoring and appointing the petitioner even though her name was in seniority No.1.



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For Petitioner : Mr.M.Francis Xavier
For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

This writ petition has been filed challenging order of the the third respondent in his proceedings in A1/1081/2024 dated 26.03.2024 and to direct the respondents to sponsor and appoint the petitioner based on her seniority in respect of Dependent of Ex-serviceman priority and give seniority since 2004 as the third respondent failed to sponsor and appoint the petitioner even though her name was in seniority No.1.

2.Heard Mr.M.Francis Xavier, learned counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader for the respondents.

3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.



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4.The petitioner is the daughter of an Ex-serviceman and she had registered her name in the employment exchange under the category of ex-service man. Since the name of the petitioner was not recommended to any posts, the petitioner earlier filed a writ petition in W.P.No.26393 of 2011, which was disposed on 18.02.2014 with a direction to consider the name of the petitioner for suitable employment commensurate with her qualification after recording the submission of the respondents that as of now, there is no post is available to accommodate the petitioner.

5.Even thereafter, the petitioner was not recommended for any of posts. Hence, the petitioner has filed several writ petitions before this Court. In one of the writ petitions filed by the petitioner in W.P. (MD)No.25542 of 2023 seeking to give an employment under the ex-service man category, by order dated 06.12.2023, a direction was issued to sponsor the name of the petitioner when she reaches the seniority. Even though the petitioner had reached the first place in seniority, instead of considering the petitioner for appointment, the respondent once again issued the proceedings dated 26.03.2024 stating that as and



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when the vacancy had arisen in the District, the petitioner's name will be considered.

6.It is learnt from the records that even in the year 2014, in a writ petition filed by the petitioner in W.P.No.26393 of 2011 the respondents had stated that that there is no vacancy available to accommodate the petitioner and the petitioner's name will be considered as and when the suitable vacancy is notified to the third respondent.

7.It is difficult to believe that no vacancy had arisen in the petitioner's District for the past about 15 years. It is submitted by the petitioner that even in the year 2016, when the petitioner sought information from the Right to Information Act, it came to light that there are lot of vacancies available in the Kanyakumari District.

8.Since the direction issued by this Court in the earlier writ petitions has not been honoured and the order impugned in this writ petition has been passed unmindful of the earlier orders passed by this Court, the same is liable to be set aside. Accordingly, this writ petition is **allowed** and the order passed by the third respondent in proceedings



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No.A1/1081/2024 dated 26.03.2024 is set aside. The respondents are directed to reconsider the claim of the petitioner in the light of the earlier orders passed by this Court within a period of four weeks from the date of receipt of a copy of this order. No costs.

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Index : Yes / No
NCC : Yes / No
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R.N.MANJULA, J.

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