



W.P.No.1771 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2025

Coram

THE HON'BLE MR JUSTICE C.V.KARTHIKEYAN

W.P.No.1771 of 2024

T.Vedavyasan

... Petitioner

-Versus-

- 1.The Government of Tamil Nadu,
Rep. By its Principal Secretary to Government,
Department of Labour & Employment,
Fort St. George,
Chennai – 600 009.
- 2.The Commissioner,
Department of Employment & Training,
Guindy, Chennai – 600 032.
- 3.The Director,
Department of Employment & Training,
Guindy, Chennai – 600 032. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorarified Mandamus calling for the records relating to the order passed by the third respondent in Na.Ka.No.39531/TNP2/2019 dated 13.01.2020 and consequential orders dated 29.12.2021 and 05.09.2022 and quash the same and further direct the respondents to appoint the petitioner to the post of Assistant Director/Principal in Employment & Training Department with all attendant benefits from 09.07.2018.



WEB COPY



W.P.No.1771 of 2024

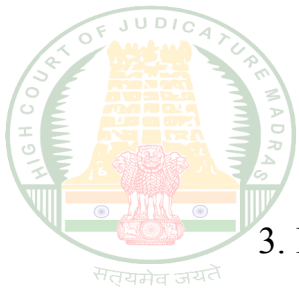
For Petitioner : Mr.S.Parthasarathy

*For Respondents : Mr.S.Yashwanth
Additional Government Pleader*

ORDER

The writ petition has been filed in the nature of Certiorarified Mandamus seeking records relating to the order passed by the third respondent directing the Director, Department of Employment and Training at Chennai in Na.Ka.No.39531/TNP2/2019 dated 13.01.2020 and consequential orders dated 29.12.2021 and 05.09.2022 and quash the same. The petitioner seeks to be appointed to the post of Assistant Director/Principal in Employment & Training Department.

2. In the affidavit filed in support of the writ petition, the petitioner had stated that he had been initially appointed as Block Manager in AGROFED on 01.09.1986. Subsequently, AGROFED was closed and he was terminated by proceedings dated 30.11.2004. The petitioner and other employees filed W.P.(MD).No.4032 of 2010 challenging the direction of the first respondent to deploy the petitioner and others in vacancies in other departments. The petitioner was posted as Junior Training Officer in the Tamil Nadu Employment & Training Department. The petitioner was appointed as Junior Training Officer in the Government ITI, Thoothukudi.

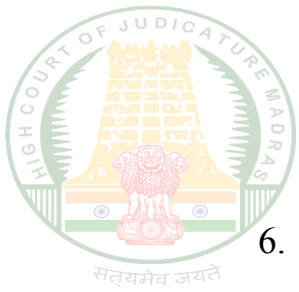


W.P.No.1771 of 2024

3. It had been contended that the petitioner should have been appointed as Assistant Director/Principal in Employment & Training Department and not as Junior Training Officer. Claiming a right to be so posted to the post of Assistant Director/Principal in Employment & Training Department, the present writ petition has been filed, consequential to the representation in that regard being rejected by the respondents.

4. A counter affidavit has been filed on behalf of the respondents. They have stated that the petitioner had accepted to be posted as Junior Training Officer in the Department of Employment and Training and stated that the promotion to the post of Assistant Director/Principal in Employment & Training Department would be made from the post of Training Officer.

5. If the petitioner is eligible and if the petitioner has requisite qualification and experience and if the petitioner has necessary seniority, I am confident that the petitioner would, in accordance with rules and guidelines be promoted to an appropriate post including the post of Assistant Director/Principal in Employment & Training Department. The petitioner cannot claim such promotion or posting as a matter of right.



W.P.No.1771 of 2024

6. The post of Assistant Director/Principal in Employment & Training

Department can be filled up either through direct recruitment or through promotion. The respondents will necessary have to follow the rules and guidelines. If the respondents opt to fill up that particular post either through direct recruitment or through promotion, the rules and guidelines will necessarily have to be followed.

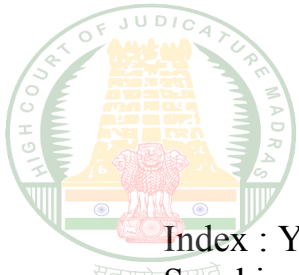
7. The learned counsel for the petitioner then contended that others, who had been similarly terminated along with the petitioner in AGROFED and who had also been retrenched were, however posted to a higher post in the Departments to which they have been appointed.

8. But the petitioner cannot claim equivalence with those individuals. The petitioner can claim equivalence only with his co-employees in the Department of Employment and Training and if he is eligible to be promoted, he will have to await and follow the rules and guidelines of the said department.

9. The writ petition is disposed of with a direction to promote petitioner in accordance with rules and guidelines of the respondents. No costs.

14.02.2025

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W.P.No.1771 of 2024

Index : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No

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To

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Chennai – 600 009.
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W.P.No.1771 of 2024

C.V.KARTHIKEYAN, J.

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W.P.No.1771 of 2024

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