



W.P.Nos.28655 & 31462 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2025

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CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.Nos.28655 & 31462 of 2012

D.Tamilselvan

... Petitioner in W.P.No.28655 of 2012

M.Kasinathan

... Petitioner in W.P.No.31462 of 2012

Vs.

The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai – 600 003.

... Respondent in both cases

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the respondent Corporation pertaining to the impugned order, dated 29.02.2012 vide Mi.Thu.Na.Ka.No.A6/609/2012, and to quash the same and further direct the respondent to appoint the petitioner through direct recruitment in the respondent Corporation.

In both cases

For Petitioners : Mr.K.Ramkumar

For Respondent : Mr.A.L.Mani Bharathi

COMMON ORDER

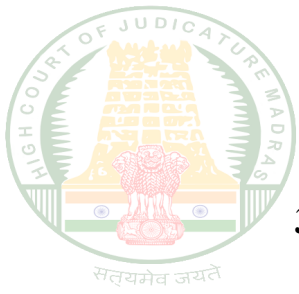
These Writ Petitions have been filed challenging two identical orders passed by the respondent, dated 29.02.2012, rejecting the representations submitted by the petitioners for being appointed to the



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post of permanent labour which was re-designated unskilled labour by the Chennai Corporation.

2. The brief facts are that pursuant to the request made by the respondent Corporation, the District Employment Officer concerned furnished a list of 970 candidates for being appointed to the post of permanent labour and accordingly interview was conducted on 24.08.2010 and 25.08.2010. The petitioners herein are the candidates whose names were also sponsored by the District Employment Officer. However, out of 227 selected candidates, 175 candidates have been appointed and posted as permanent labours in Chennai Corporation through the Resolution dated 23.11.2010 passed by the Chennai Corporation. The petitioners are not among the selected candidates. Under those circumstances, on enquiry made by the the petitioners, they came to know that the registration date of the petitioners in the District employment was wrongly informed to the respondent Corporation by the concerned District Employment Officer and after having appraisal of the same, the petitioners obtained a letter dated 25.11.2010 from the District Employment Officer and submitted the same before the respondent Corporation for consideration of their case as per their original seniority of the year 1984.



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3. However, when the respondent Corporation failed to consider the same, they approached this Court by filing W.P.Nos.28258 of 2011 and 25259 of 2011 in which this Court by an order dated 13.12.2011, directed the respondent Corporation to consider the said representations submitted by the petitioners and on considering the said representation, the impugned orders dated 29.02.2012 came to be passed, rejecting the claim of the petitioners on the ground that the selection and appointment of the candidates were carried out already basing upon the list forwarded by the District Employment Officer and in terms of the said list, the petitioners do not come within the zone of consideration as they are placed at S.Nos.209 and 244 under 'open category non priority'. Thus, it is the specific case of the respondent Corporation that they have strictly followed the list furnished by the District Employment Officer concerned and accordingly the final selection was made. The fact that the petitioners do not come within the zone of consideration for considering their case in the category under which their names were sponsored by the District Employment Exchange, is not in dispute.

4. In the entire Writ Petitions, there is no complaint against the respondent Corporation in selecting the candidates, but the entire



grievance is with reference to the list of candidates sponsored by the District Employment Officer and with regard to the category under which the petitioners were sponsored. Admittedly, the petitioners produced the letter, dated 25.11.2010 from the District Employment Officer only after the entire selection was finalised by the respondent Corporation i.e., on 23.11.2010. Therefore, there is nothing for this Court to find fault with the respondent Corporation. From the above, it appears that there is an error on the part of the District Employment Officer in mentioning the seniority of the petitioners with reference to the date of registration in the employment exchange.

5. For the reasons best known, the petitioners neither chosen to make any grievance against the District Employment Officer nor impleaded the concerned District Employment Officer as party respondent to these Writ Petitions. In the absence of the District Employment Officer concerned being party to these Writ Petitions, it is not open for this Court to adjudicate as to whether the action of the District Employment Officer in furnishing the list of candidates to the respondent Corporation is right or wrong. Be that as it may, the entire selection in question is of the year 2010 and the petitioners herein were aged 44 years and 45 years when



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they filed the present Writ Petitions and now they are 57 and 58 years respectively and that being the case, the question of selecting the petitioners and appointing them as permanent labours in the respondent Corporation at this length of time, does not arise, as they have left with only two or three years of service. Though there appears to be some genuine grounds on the side of the petitioners due to an apparent error committed by the District Employment Officer in erroneously mentioned the seniority of the petitioners as of the year 1991 as against the year 1984, no relief can be granted to the Writ Petitions.

6. In the light of the above reasons, this Writ Petitions are dismissed. No costs.

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes / No
vum

To:

The Commissioner,
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