

i. Dayalan Vs. the Secretary to Government, Industries Department, Chennai and Others

i. Dayalan Vs. the Secretary to Government, Industries Department, Chennai and Others

SooperKanoon Citation : sooperkanoon.com/953813

Court : Chennai

Decided On : Dec-04-2012

Judge : D. Hariparanthaman

Appeal No. : W.P.No.6419 of 2012

Appellant : i. Dayalan

Respondent : The Secretary to Government, Industries Department, Chennai and Others

Advocate for Pet/Ap. : For the Petitioner: R. Marudhachalamurthy, Advocate. For the Respondents: M. Dig Vijay Pandian, Additional Government Pleader.

Judgement :

(Prayer: This Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the second and third respondents to appoint the petitioner to the post of Junior Training Officer in the Training Wing of the third respondent as per G.O.Ms.No.64, dated 19.07.2002 and also as per the orders of this Court in W.P.Nos.33354 of 2004, 33746 of 2004, 10703 of 2010 and 12668 of 2010.)

1. The petitioner was an employee in the Tamil Nadu Steels Limited, Arakonam from 1991 to 1998. The company was owned by the Government of Tamil Nadu

and the said company was closed. According to him, the Government of Tamil Nadu issued G.O.Ms.No.64, Industries(MIAI) Department, dated 19.07.2002, providing certain relief to the employees, who have lost their employment due to the closure of Tamil Nadu Steels Limited, Arakonam. Para 5(2) of the G.O.Ms.64, Industries(MIAI) Department, dated 19.07.2002, is extracted hereunder:-

"The ex-employees of Tamil Nadu Steels Limited who have minimum Educational Qualification may be appointed in the Training Wing of Directorate of Employment and Training in the post of Junior Training Officers, without reference to Employment Exchange subject to the condition that they possess all the qualifications prescribed for appointment to the post except the qualification relating to age.

2. According to him, he is entitled the benefit of para 5(2) of the G.O.Ms.64, referred to above. The petitioner has enclosed various judgment of this Court granting relief to the petitioners therein, who are retrenched due to the closure of the Tamil Nadu Steels Limited, Arakonam. This Court passed an order dated 02.04.2009 in W.P.Nos.33354 & 33746 of 2004, directing the respondents to provide employment as Junior Training Officer to 26 persons, who are petitioners in those writ petitions. Paras 2 and 3 of the Order dated 02.04.2009 in W.P.Nos.33354 & 33745 of 2004 are extracted hereunder:-

"2. Counter affidavit had been filed on behalf of the respondents wherein it has been pointed out that the government have proposed to reserve 81 posts of Junior Training Officer for the petitioners and other retrenched employees of the Tamil Nadu Steel Limited, Arakonam out of 353 vacant posts subject to the outcome of pending W.Ps. and to fill up the remaining vacant posts of 272 Junior Training Officers in the Governmental Industrial Training Institutes.

3. In view of the above statement made in the counter affidavit practically the request made by the petitioners have been accepted by the respondents. In view of the same, I direct the respondents to appoint the petitioners to the post of Junior Training Officer in the Training Wing of their department in the light of G.O.Ms.No.64, (Industrial MIAI) Department read with G.O.Ms.No.524 and 623 dated 21.08.1998 and 22.09.1998 respectively. The said exercise has to be

carried out by the respondents within a period of eight weeks from the date of receipt of copy of this order."

3. Likewise, in another Order dated 19.07.2010 in W.P.No.12668 of 2010, this Court granted relief to one Mr.Z.Sukumar. Para 12 of the Order dated 19.07.2010 in W.P.No.12668 of 2010 is extracted hereunder:-

"In view of the above, the writ petition is disposed of, directing the respondents 2 and 3 to consider the case of the petitioner for appointment to the post of Junior Training Officer in the Training Wing of the third respondent on par with the persons who are similarly placed and in whose favour orders of appointment have already been issued. It is open to the respondents to find out if the petitioner satisfies the eligible criteria fixed by the G.O.Ms.No.64. Therefore, respondents 2 and 3 shall pass appropriate orders in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous petition is closed."

4. Thereafter, by order dated 31.08.2010 in W.P.No.10703 of 2010, the petitioner therein also was granted similar relief. Para 8 of the Order dated 31.08.2010 in W.P.No.10703 of 2010 is extracted hereunder:-

"8. In the result, the respondents 2 and 3 are directed to consider the appointment of the petitioner to the post of Junior Training Officer in the Training Wing of the third respondent on par with the persons who are similarly placed and in whose favour orders of appointment have already been issued. It is open to the respondents to verify whether the petitioner satisfies the eligible criteria as fixed by the Government in G.O.Ms.No.64. After verifying the said particulars, the respondents 2 and 3 shall pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order."

5. In view of the same, the writ petition is disposed of, directing the respondents 2 and 3 to consider the case of the petitioner for appointment to the post of Junior Training Officer in the Training Wing of the third respondent, on par with the persons, who are similarly placed and in whose favour orders of appointment have

already been issued. Further, it is open to the respondents to find out as to whether the petitioner satisfies the eligibility criteria as fixed by the Government in G.O.Ms.No.64, referred to above. Thereafter, respondents 2 and 3 shall pass appropriate orders in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com