

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27/08/2004

CORAM

THE HONOURABLE MR.JUSTICE M.CHOCKALINGAM

W.P.No.5171 of 2001

S.Sudalaimani .. Petitioner

-VS-

1. Managing Director
Tamil Nadu State Transport
Corporation (Madurai Division II)
Limited
No.2, Trivandrum Road
Vannarpettai, Tirunelveli 3.

2. The District Employment Officer
Tirunelveli
Tirunelveli-3. .. Respondents

This writ petition is filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records relating to the order passed by the first respondent in Letter No.13770/Nia 2/Tha.Aa. Poka(Maka-2)/97 dated 16.9.1998, Letter No.10327/Nia 1/Ma.Ka-2/99-2 dated 9.5.2000 and Letter No.10327/Nia 1 /Ma.Ka.2/99, dated 14.6.2000 and quash the same and direct the first respondent to give employment to the petitioner as conductor with effect from 19.8.1997 with all back wages and benefits.

!For Petitioner : Mr.P.Peppin Fernando

^For Respondents : Ms.Kameswari for R1
Mr.M.Mahalingam
Government Advocate for R2

:ORDER

Seeking a writ of certiorarified mandamus, the petitioner has sought a direction to the first respondent to give employment to him as Conductor with effect from 19.8.1997.

2. It is not in controversy that the petitioner was selected for the post of Conductor by the first respondent Corporation through the District Employment Exchange, Tirunelveli during December 1996; that from that time onwards, he was to work as Conductor; and that he worked for two days. It is

also an admitted position that the petitioner absented himself thereafter, and subsequently, he attended an interview, and he was selected on 15.9.1997, following the medical test; but, he could not be given employment in view of the fact that the employment exchange card was barred by time, and it was to be renewed, and the appointment was kept pending. He was further advised to renew the card; but, the petitioner till now has not renewed the same, and instead, he has brought forth this writ application seeking the remedies.

3. From the very averments and the submissions made, it could be well seen that the petitioner originally selected in the year 1996, worked for only two days; that he absented himself without any explanation; that he was subsequently selected for the second time through the Employment Exchange; that at that time, his employment exchange card was found one without validity, and hence, he was advised to renew the same; but, he has not acted so, as per the rules, till this time. It is pertinent to point out that the petitioner without following the procedures, contemplated under the relevant rules, has now come forward with this writ application after a longtime. This Court is able to see not only laches on the part of the petitioner, but also it is not a case where any of his rights has been violated by either of the respondent.

4. In the above circumstances, this writ petition fails, and the same is, accordingly, dismissed. However, the petitioner is at liberty to approach the second respondent for renewal of the employment exchange card. It is also made clear that such renewal would in no way give him any right to approach the first respondent regarding the employment what is in question. No costs.

Index : yes

Internet: yes

To:

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nsv/

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