
(2012) 01 MAD CK 0098

In the Madras High Court

Case No : Writ Petition No. 4511 of 2007 (O.A. No. 5843 of 2001)

Balunathan

APPELLANT

Vs

The Commissioner Ranipet Municipality Ranipet

RESPONDENT

Date of Decision : 06-01-2012

Acts Referred:

Constitution of India, 1950 — Article 14, 16

Citation : (2012) 01 MAD CK 0098

Hon'ble Judges : Vinod K. Sharma, J

Bench : Single Bench

Advocate : S. Ilamvaludhi, for the Appellant; P. Srinivas, for the Respondent

Final Decision : Dismissed

Judgement

Honourable Mr. Justice Vinod K. Sharma

1. The petitioner has invoked the extraordinary equitable jurisdiction of this Court, seeking reappointment in service.

2. The petitioner joined the service of Ranipet Municipality as NMR worker in the year 1991 on daily wage basis and he continued in service till

the year 1997.

3. In the year 1997, the petitioner was removed from service without assigning any reasons, which forced the petitioner to raise the Industrial

Dispute. The Labour Officer filed failure report.

4. The petitioner has not disclosed as to what happened in the reference before the learned Labour Court. Nor it is disclosed in the writ petition as

to what action was taken by the petitioner after the failure report.

5. The case set up by the petitioner in this writ petition is that number of junior employees to the petitioner stood regularized in service, therefore,

the petitioner is entitled to be reappointed in service.

6. It is pleaded in the writ, that the Government of Tamil Nadu issued instructions for regularizing services of the employees, who had put in service of more 10 years, were in service as of 1st of October, 1996, and were still in service.

7. It is not disputed that the petitioner was not in service on the date of issuance of Government instructions. The petitioner has also failed to show

as to how the petitioner is covered under the instructions for regularizing his service after expiry of 10 years of his termination. Not only this, once it

is admitted that the service of the petitioner was terminated in the year 1997, no explanation is forthcoming for delay of 10 years in filing this writ

petition to seek re-employment.

8. It is the contention of the learned counsel for the petitioner that non-regularization / reappointment of the petitioner is arbitrary and

discriminatory, therefore, hit by Article 14 and 16 of the Constitution of India, as juniors to the petitioner have been retained in service.

9. This contention again deserves to be noticed to be rejected, for the reason that one of the conditions stipulated under the Government

instructions was that the person was to be in employment on the date of issuance of instructions by the State Government. It is kpr/ar admitted

case of the petitioner that he was not in employment on the date of issuance of Government instructions for regularization of service of employees.

10. For the reasons stated above, there is no merit in this writ petition, as the petitioner is guilty of concealment of facts in not disclosing as to what

happened to the Industrial Dispute raised by him. The petitioner has also not given any explanation to explain the delay of 10 years in coming to

this Court, and on top of it, the case of the petitioner is not covered under the Government instructions.

11. Consequently, finding no merits in this writ petition, it is ordered to be dismissed. No costs.