
(2010) 02 MAD CK 0136
In the Madras High Court
Case No : Writ Petition No. 858 of 2008

K. Pitchandi

APPELLANT

Vs

The Government of Tamilnadu

RESPONDENT

Date of Decision : 19-02-2010

Acts Referred:

Citation : (2010) 02 MAD CK 0136

Hon'ble Judges : K. Chandru, J

Bench : Single Bench

Advocate : V.R. appaswamee, for the Appellant; E. Ranganayaki, G.A. for R1 and R2 and P. Anbarasan, for R3, for the Respondent

Final Decision : Dismissed

Judgement

K. Chandru, J.—The petitioner has come forward to file the present Writ Petition seeking for a direction to the respondents to consider his

representation dated 22.11.2007 in the light of the order passed by this Court in W.P. No. 12913 of 1998 dated 22.3.1999 and the letter of the

Government dated 4.9.2006 as well as G.O.Ms. No. 249, Cooperation Department dated 31.10.2006.

2. It is seen from the records that the petitioner earlier filed a Writ Petition being W.P. No. 12913 of 1998 before this Court seeking for a

direction to the 2nd respondent bank to give priority to the qualified candidates who are having apprenticeship training certificate from the same

establishment. This Court by an order dated 22.3.2009 allowed the Writ Petition. This Court based such claim upon the judgment of the Supreme

Court in Kripa Shankar Chatterji Vs. Gurudas Chatterjee and others, . as well as the order of the Supreme Court in Civil Appeal No. 5285 to

5328 of 1996 dated 3.10.1996 in the case of Tamil Nadu Electricity Board v. P. Arul and Ors.

3. It is pursuant to these two orders of the Supreme Court, the State Government has issued G.O.Ms. No. 142, Labour and Employment

Department dated 10.11.1998. This Court held that the respondent bank must scrupulously follow the guidelines and any deviation from the

judgment of the Supreme Court and the guidelines will be void and the Writ Petition was disposed of. In fact in the guideline issued by the State

Government in G.O.Ms. No. 142 , it is stated that when other things being equal, trained apprentice will be given preference over direct recruits

and the trained apprentice need not necessarily get his name sponsored through employment exchange. With reference to maximum age, he will be

given relaxation.

4. After the orders were passed by this Court, the State Government by a letter dated 4.9.2006 informed the petitioner that since the bank has not

made appointment for the post of Assistant since the year 1998, question of considering the petitioner's name will not arise. The cadre strength for

the bank has been fixed at 297 and the existing staff strength was 376 and there was no scope for any appointment.

5. However, the petitioner on seeing another order of the Government in G.O.Ms. No. 249, Cooperation Department dated 31.10.2006 in which

the State Government permitted the vacancies in various Central Cooperative Banks to the extent of 250 Assistants and also out of those posts,

75% will be filled up from employees of the various Cooperative banks. On seeing the said Government Order, the petitioner has sent his

representation dated 22.11.2007 asking for his candidature to be considered for appointment. When there is no reply from the respondent, he has

filed the present Writ Petition.

6. Notice of Motion was ordered by this Court on 9.1.2008. On notice from this Court, the third respondent has filed a counter affidavit dated

29.2.2008. In the counter affidavit, with reference to the sanction of the vacancy by G.O.Ms. No. 249, Cooperation Department dated

31.10.2006 in para 10, it was averred as follows:

10, The G.O.Ms. No. 249 dated 31.10.2006 directing the Central Cooperative Banks to take steps to fill up 250 posts of Assistant referred to in

paragraph 1 of the affidavit is not applicable to the respondent bank, which has surplus staff in its establishment. Indeed this Government Order

was not at all communicated by the 2nd respondent to the respondent Bank.

7. The respondents also brought to the notice of this Court that subsequent to the G.O., the Registrar of the Cooperative Society, namely the 2nd

respondent has sent a communication to the third respondent bank dated 10.1.2006 stating that if there are any vacancies in the bank, they must

send proper proposal to the Department for getting those posts sanctioned. The respondent bank also informed the petitioner by communication

dated 29.2.2008 in response to his representation dated 22.11.2007 and the said communication reads as follows:

With reference to the above, G.O.Ms. No. 249 dated 31.10.2006 has directed the Registrar of Cooperative Societies to select the Central

Cooperative Bank, which have to fill up the post of Assistant within the cadre strength fixed for the bank. The cadre strength fixed for the post is

297, whereas the present strength is 332. The Bank as such has surplus staff in the cadre of Assistant. Taking into consideration, the Registrar of

Cooperative Societies has not selected this Bank for the purpose of recruitment to 250 posts ordered in the stated G.O. The Government Order

has not therefore been officially communicated to this Bank.

In the above circumstances, we are not in a position to make any recruitment now for the post of Assistant. This is for your information.

8. In the light of the above, there is no case made out. Accordingly, the Writ Petition stands dismissed. No costs.