

(2004) 04 MAD CK 0090
In the Madras High Court
Case No : Writ Petition No. 835 of 2001

M. Rathinasabapathi and Others

APPELLANT

Vs

State of Tamil Nadu, Tamil Nadu Poultry Development Corporation Ltd., (TAPCI) and Chief Secretary, Government of Tamil Nadu

RESPONDENT

Date of Decision : 19-04-2004

Acts Referred:

Citation : (2004) 04 MAD CK 0090

Hon'ble Judges : F.M. Ibrahim Kalifulla, J

Bench : Single Bench

Advocate : Vijay Narayan, for the Appellant; M. Hidayathula Khan, Government Advocate for R.1 and R.3, N.R. Chandran, for D. Sukumar, for R.2, for the Respondent

Judgement

F.M. Ibrahim Kalifulla, J.—At the out set, Mr. Vijay Narayan, learned counsel appearing for the petitioners submits that the writ petition in respect of petitioners 1, 7, 11, 23 and 24 is not pressed. Therefore, the relief claimed by those petitioners in this writ petition is dismissed as not pressed.

2. As regards the other petitioners, their claim is based on G.O.Ms.86 dated 19.04.1999, particularly with reference to clause 4(vi). The said clause reads as under:-

" vi) Lists of employees retired voluntarily and persons retrenched under items (ii) and (iv) above shall be communicated to all State Government Corporations, Boards and other Government Organisations requesting them to offer employment to suitable individuals on priority basis in the existing and future vacancies ".

3. The petitioners in this writ petition are all stated to be persons who have gone under the Voluntary Retirement Scheme. Therefore, by virtue of the said clause, if and when any opportunity for employment arises in any of the Government

Organisations, Boards or other Government Organisations, the petitioners could seek for priority when they are offered employment in any of the existing or future vacancies. As far as the said rights claimed by the petitioners are concerned, the learned Advocate General appearing for the respondents would draw the attention of this Court to para 12 of the Counter affidavit, which is to the following effect:-

" After retrenchment and voluntary retirement, a list of retrenched / VRS employees have been received by the 1st respondent from the second respondent. Necessary steps are taken to provide employment opportunities to them in the Government undertakings in the vacancies after lifting of the existing ban on filling up of posts ".

4. The learned Advocate General would further point out that in compliance with the above said G.O.Ms.86 dated 19.04.1999, necessary communications have been issued to all the Government undertakings and other organisations to comply with the said requirement. Therefore, while recording the above said submissions made in para 12 of the counter affidavit, this writ petition is disposed of by holding that in the event of any opportunity arising in any of the Government Organisations, Boards or other Government Institutions the petitioners should be given priority and by any chance the offer of employment is not made to these petitioners, it will be open for the petitioners to seek for appropriate remedy in the manner known to law. Since no specific instance of any such denial of opportunity has been stated in this writ petition, there is no scope for granting any relief to that extent in this writ petition. The writ petition is therefore disposed of by reserving the petitioners' liberty in the manner stated above. No costs. This order shall also be communicated by the first respondent to all the Government Corporations, institutions and other organisations for necessary compliance.