

(2014) 11 MAD CK 0149

In the Madras High Court

Case No : Writ Appeal No. 1408 of 2014 and M.P. No. 1 of 2014

The General Manager Tamil Nadu State Transport Corporation
(Coimbatore Ltd.)

APPELLANT

Vs

M. Arularasu

RESPONDENT

Date of Decision : 12-11-2014

Acts Referred:

Citation : (2014) 11 MAD CK 0149

Hon'ble Judges : Satish K. Agnihotri, J;K.K. Sasidharan, J

Bench : Division Bench

Judgement

1. The instant intra-Court appeal arises from the order dated 19.12.2013 passed in W.P.No. 20376 of 2013.

2. The respondent, having passed SSLC in October 1993, passed Mechanic (Motor Vehicle) course in July 1996. Thereafter, he had undergone training with the appellant under the provisions of the Apprentices Act, 1961 from 23.01.1997 to 22.01.1998 and also passed the Trade test as a regular candidate in May 1998. The respondent had worked as a casual worker in the appellant corporation for some time in the year 2001. The District Employment Exchange recommended the name of the respondent for consideration for appointment on the post of Junior Tradesman (Mechanic ITI) on 3.7.2013. He was called for interview to be held on 10.7.2013. At the time of interview, he was informed that he was over-aged as having completed 35 years of age. The respondent came up with the writ petition seeking a direction to consider his name for the post of Mechanic MV (ITI).

3. The case of the respondent herein before the Writ Court was that relaxing the maximum age limit from 35 to 40 years granted under G.O.Ms.No. 98, P & AR(S) Department dated 17.7.2006 was not considered.

4. It was contended by the appellant that the respondent herein was over-aged by 17 days and as such, he was not eligible for consideration.

5. The contention of the respondent / writ petitioner was that the benefit of relaxation of 5 years of age granted under the said G.O. dated 17.7.2006 was rejected on the ground that relaxation of 5 years in case of upper age limit was granted till 16th July 2011 only as per the subsequent letter dated 10.11.2010 and as such, the respondent was not entitled to age relaxation under the said G.O. dated 17.7.2006.

6. An identical issue came into consideration in the case of The General Manager, Tamil Nadu State Transport Corporation (Madurai) Limited, Virudhunagar Division , Virudhunagar and another Vs A.Velmurugan and another in W.A. (MD)No. 1007 of 2013, wherein, reliance on a decision of the Supreme Court in Uttar Pradesh State Road Transport Corporation and another Vs. Uttar Pradesh Parivahan Nigam Shishukhs Berozgar Sangh and others, was made and it was held that the candidate is entitled to age relaxation to the extent of apprenticeship period.

7. Accordingly, in the instant case, if the period of apprenticeship of the respondent/writ petitioner with the appellant Corporation is taken into consideration, the age of the respondent is well within the limitation. The appellant also does not dispute the fact that if the apprenticeship period of the respondent is taken into consideration and relaxation to the extent of that period is granted, the respondent is within the age of limitation for consideration for the post of Mechanic MV (ITI).

8. We are of the opinion that the view taken earlier by this Court, as afore-stated, is just and proper. Admittedly, the respondent has undergone apprenticeship only with the appellant Corporation and as such, the respondent was entitled to relaxation of age, to that extent. The respondent was over-aged only by 15 days. Having considered the period spent as apprentice, the respondent/writ petitioner is well within the age limit.

9. As a sequel, the writ appeal is dismissed at the admission stage itself. Consequently, connected Miscellaneous Petition is closed. No costs.