

(2006) 11 MAD CK 0176

Madras High Court

Case No: Writ Petition No"s. 5736, 6918 to 6921 of 2001 and WP MP. No"s. 9882 to 9885
and 16007 of 2001

P. Radhakrishnan, Rajkumar and
S. Selvam

APPELLANT

Vs

The Government of Tamil Nadu
and Others

RESPONDENT

Date of Decision: Nov. 27, 2006

Hon'ble Judges: S. Tamilvanan, J; P. Sathasivam, J

Bench: Division Bench

Advocate: K. Selvaraj, for the Appellant; S.Ramasamy, A.A.G. II assisted by Bhavani Subbarayan, GA for R1 to R3 in WP. 5736/2001 and R1 in WPs. 6918 to 6921/01, M.R. Raghavan, for R4 in WP. 5736/2001 and R2 in WPs. 6918 to 6921 of 2001 and V. Manohar, for respondents 5 to 67, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

P. Sathasivam, J.

In all these cases, the petitioners have approached this Court to issue a Writ of Mandamus directing the respondents not to sponsor the names of the persons on the basis of no objection certificate and consequently direct the respondents to sponsor the names of the petitioners on the basis of the Government order No. 216 Co-operation, Food and Consumer Protection Department, dated 01.09.1998 so as to enable them to participate in the interview for the post of Assistant in the fourth respondent-Bank.

2. Heard the learned Counsel appearing for the petitioners as well as the respondents.

3. On going through the relief prayed for, the claim of the petitioners and the stand taken by the Bank as well as the newly impleaded respondents, we are of the view that the relief as claimed by the petitioners cannot be granted by this Court at this

juncture. However, the learned Counsel appearing for the petitioners relying on the G.O.Ms. No. 57, (Co operation, Food and Consumer Protection Department) dated 21.02.2001 and G.O.Ms. No. 249 (Co operation, Food and Consumer Protection (CC1) Department), dated 31.10.2006, has contended that a direction may be issued to the Bank to consider the claim of the petitioners for appointment. Here again, it is not possible for this Court to issue such positive direction. At the most, in view of the latest Government order in G.O.Ms. No. 249 (Co operation, Food and Consumer Protection (CC1) Department), dated 31.10.2006, if the earlier G.O.Ms. No. 57, (Co operation, Food and Consumer Protection Department) dated 21.02.2001 still subsists, the petitioners are free to approach the respondents, if they are otherwise eligible for the appointment to the post of Assistant. It is made clear that we are not issuing positive direction. However, it is made clear that if the petitioners are eligible by virtue of any of the Government orders referred to above or applicable to them, it is for the Bank to consider the same, in accordance with law.

4. In so far as the impleaded respondents are concerned, it is not in dispute that all of them were appointed by the Bank by regular order and it is brought to our notice that pursuant to the direction of this Court in a contempt petition, all of them are continuing in their respective posts. It is made clear that inasmuch as those persons were appointed by the Bank, there will not be any impediment for continuing them.

5. With the above observation, all these writ petitions are disposed of. No costs. Consequently, connected WPMPs are closed.