



ABSTRACT

Employment Exchanges – Recruitment through Employment Exchanges – Implementation of the Judgment of the Hon'ble High Court in W.A.No.1027 of 2013 and M.P.No.1 of 2013 dated 09.06.2014 – Orders Issued.

LABOUR AND EMPLOYMENT (T2) DEPARTMENT

G.O.(Ms.) No.44

Dated: 11.03.2015.

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Thiruvalluvar Aandu 2046

Read again

1. G.O.(Ms)No.790, Labour Department, Dated 05.07.1971.
2. G.O.(Ms)No.1138, Labour and Employment Department, Dated 25.09.1978.

Read also

3. Orders of the Hon'ble High Court of Madras, dated 02.08.2012 in W.P.No. 26162 of 2010 and M.P.No.1 of 2010.
4. From the Director of Employment and Training, Guindy, Chennai-32 Letter No.LC2/47644/2010 dated 11.02.2013.
5. Judgment of the Hon'ble High Court of Madras, dated 09.06.2014 in W.A.No.1027 of 2013 and M.P.No.1 of 2013.
6. From the Director of Employment and Training, Guindy, Chennai-32, Letter No.LC2/47644/2010, Dated 16.02.2015.

ORDER:

In the G.O. 1st read above, the Government have ordered that all temporary appointments and appointments which do not fall under the purview of the Tamil Nadu Public Service Commission should be filled up by recruitment through the Employment Exchanges only. Any other form of recruitment can be resorted to, only after obtaining a non-availability certificate from the Employment Exchange concerned.

2. In the G.O. 2nd read above, the Government have ordered that all the Industries, Institutions, Universities, Colleges, Schools, Hostels, Orphanages, Co-operative Societies etc. which receive financial assistance by way of grant or loan or material assistance etc., from this Government or State quasi-Government Institutions, Statutory Corporations, Public Sector Undertakings, Autonomous Boards, Co-operative Institutions etc. should recruit its personnel only through Employment

(p.t.o)

Exchanges by way of notifying the vacancies to the concerned Employment Exchange in the manner and form prescribed under the Employment Exchanges (Compulsory Notification of vacancies) Rules, 1960 and resort to any other form of recruitment like advertisement in Dailies etc., only after obtaining a "Non-availability Certificate" from the concerned Employment Exchange or obtaining the prior sanction of Government through the financial institutions or Government Department, in the administrative Departments of the Secretariat in consultation with the Labour and Employment Department in the Government.

3. In the High Court order 3rd read above, the Hon'ble High Court of Madras in its Order dated 02.08.2012 in W.P.No.26162 of 2010 and M.P.No.1 of 2010 has quashed the selection process for appointment to the posts only from candidates sponsored through Employment Exchanges and has ordered that the State Government should take immediate steps to fill up the posts by inviting applications from all eligible persons along with names sponsored by the Employment Exchange by advertising in newspapers and other media to enable all the eligible persons to compete for the posts. The observation of the Hon'ble High Court in the said order is as follows:

"A writ in the nature of mandamus is issued directing the respondents to advertise the posts in all leading newspapers and other media to enable all the eligible persons to compete for the post. The advertisement should show the number of posts to be filled up, the qualification for the post. The age limit and relaxation in age if any. The post reserved for different categories. The respondents should also constitute selection committee, who shall adopt the criteria of selection before commencement of selection process laying down marks for qualification, experience, interview, etc. depending on the post to be filled up.

In view of the different Government orders placed on record, it is directed that the State Government should take immediate steps to fill up the posts, by inviting applications from all eligible persons, along with names sponsored by the Employment Exchange after laying down criteria for selection, so as to select best available talent."

4. The Director of Employment and Training has filed appeal in Writ Appeal No. 1027 of 2013 and M.P.No.1 of 2013 against the aforesaid Order, dated 02.08.2012 in W.P.No 26162 of 2010 and M.P.No.1 of 2010.

5. In the High Court Judgment 5th read above, the Hon'ble High Court has dismissed the Writ Appeal filed by the Director of Employment and Training, reiterating that posts should be filled up by issuing advertisement in atleast 2 newspapers out of which one must be in vernacular language having wide circulation in the respective State, apart from calling for list from the Employment Exchange in order to comply with Articles 14 and 16 of the Constitution of India and ordered that "Registry is directed to forward the copy of the judgment forthwith to the Chief Secretary to the Government of Tamil Nadu, who in turn directed to circulate the copy of the judgement to all the Secretaries of various departments, for strict compliance".

6. In the letter 6th read above, the Director of Employment and Training has requested the Government to issue suitable orders on the implementation of the judgment of the Hon'ble High Court of Madras in Writ Appeal No. 1027 of 2013 and M.P.No.1 of 2013 dated 09.06.2014 against the order dated 02.08.2012 in W.P.No.26162 of 2010 and M.P.No.1 of 2010.

7. The Government have examined this issue in detail. After careful examination, the Government have decided to implement the Judgment of the Hon'ble High Court in W.A.No.1027 of 2013 and M.P.No.1 of 2013 dated 09.06.2014 (W.P.No.26162 of 2010 and M.P.No.1 of 2010). Accordingly all the Additional Chief Secretaries / Principal Secretaries / Secretaries of the Departments of Secretariat are directed to adhere to the judgment delivered in the W.A.No.1027 of 2013 and M.P.No.1 of 2013 dated 09.06.2014 (W.P. No.26162 of 2010 and M.P.No.1 of 2010) while filling up the posts under their control.

(BY ORDER OF THE GOVERNOR)

K. GNANADESIKAN
CHIEF SECRETARY TO GOVERNMENT.

To

All Additional Chief Secretaries / Principal Secretaries / Secretaries,
Secretariat, Chennai – 600 009.
All Departments, Secretariat, Chennai – 600 009.
The Director of Employment and Training, Guindy, Chennai – 600 032.
All Sections, Labour and Employment Department, Chennai -600 009.
All Head of Departments.
The Assistant Registrar (CS. V), High Court of Madras, Chennai - 600104

Copy to:

Office of Hon'ble Chief Minister, Chennai -600 009
Private Secretary to Chief Secretary to Government, Chennai – 600 009.
The Personal Assistant to Hon'ble Minister for Rural Industries and Labour,
Chennai - 600 009.
The Private Secretary to Principal Secretary to Government, Personnel and
Administrative Reforms Department, Chennai – 600 009.
The Private Secretary to Secretary to Government, Law Department, Chennai – 600 009.
The Private Secretary to Secretary to Government,
Labour and Employment Department, Chennai – 600 009.
NIC, Chennai – 600 009.
Stock File / Spare Copy.

//FORWARDED BY ORDER//

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11/3/2015
SECTION OFFICER.

11/3/15