

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.12751 of 2012

and

M.P.No.1 of 2012

N.Jeyakumar

... Petitioner

Versus

1. Vice Chancellor
Anna University
Chennai - 600 025

2. Registrar
Anna University
Chennai - 600 025

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the 2nd respondent in his Letter No.351/PR43/2012 dated 09.03.2012 and quash the same and direct the respondents to regularize the services of the petitioner from the date of initial appointment with all the consequential benefits.

For Petitioner : Mr.S.Vijayan

For Respondents : Mr.Row & Reddy

ORDER

This writ petition has been filed by the petitioner, praying to issue a writ of certiorarified mandamus, to call for the records pertaining to the order passed by the 2nd respondent in his Letter No.351/PR43/2012 dated 09.03.2012 and to quash the same and consequently, to direct the respondents to regularize the services of the petitioner from the date of initial appointment with all the consequential benefits.

2. The petitioner was appointed as Field Assistant on 14.09.1994 on consolidated pay in the respondent University. After completing the project work, the petitioner was ousted from service on 01.10.1998. Thereafter, the petitioner made representations to the respondents requesting them to appoint him in the post of Field Assistant or any other equivalent post in the University. As there was no response from the

respondents, the petitioner filed a writ petition in W.P.No.15186 of 1998 and this Court, by an order dated 26.10.1998, directed the respondent University to consider the representations of the petitioner and pass orders thereon. In pursuance of the direction of this Court, the respondents permitted the petitioner to work as Field Assistant on 16.02.1999 and he worked in that post till 31.03.1999. The petitioner, thereafter, made a representation to the respondents, requesting them to give him an employment in any one of the permanent posts. Since there was no response, he made another representation dated 18.07.2003 to the respondents. In response, the second respondent, by an order dated 13.08.2003, rejected his claim. Challenging the same, he filed a writ petition in W.P.No.2126 of 2004 and this Court, by an order dated 13.07.2011, directed the respondents to consider the representation of the petitioner and pass orders thereon. Thereafter, the second respondent passed the impugned order rejecting his claim, on the ground that he did not have the requisite qualification. Hence, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner submitted that the petitioner is now working as Non-Muster Roll employee on daily wage basis in the respondent University. He further submitted that similarly placed persons, who were working as Non-Muster Roll on casual basis, filed a Writ Petition before this Court and this Court, by an order dated 06.12.2006, directed the authority to consider and pass orders. Thereafter, those persons were appointed on regular time scale of pay. Hence, he prayed for a direction to the respondents to consider the case of the petitioner also and give an employment in the next available post on regular basis.

4. The learned counsel appearing for the respondents submitted that admittedly, the petitioner was working on consolidated pay, from 14.09.1994 to 31.03.1999 and he has completed service of 4 years, six months and 17 days, against the required period of 5 years. After his service was ousted, he has not been given an employment under Non-Muster Roll. As submitted by the learned counsel for the petitioner, the similarly placed persons, who were working as Non-Muster Roll on consolidated pay, have been appointed on regular time scale. He further submitted that those persons were considered for appointment by the respondent University as they were working in the respondent University when the vacancies arose.

5. Heard the learned counsel for the petitioner as well as the learned counsel appearing for the respondents.

6. According to the learned counsel for the petitioner, the petitioner is now working as Non-Muster Roll employee in the respondent University. Since the petitioner is qualified for the appointment to a permanent post and he had also been working for more than 5 years, the learned counsel for the

petitioner, now, restricts the relief to the extent that appropriate direction may be issued to the respondents to consider the case of the petitioner in the next available post as has been considered in the case of similarly placed persons.

7. In view of the same, this Court directs the petitioner to make a representation to the syndicate of the respondent University in writing, requesting them to give him a permanent employment in the next available post and on receipt of the same, the respondents shall consider the case of the petitioner for appointing him in a permanent vacancy in the next available post, as per rules.

8. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Vice Chancellor,
Anna University,
Chennai - 600 025.
2. The Registrar,
Anna University,
Chennai - 600 025.

+1cc to Mr.S.Vijayan, Advocate, S.R.No.44139
+1cc to Mr.Row & Reddy, Advocate, S.R.No.44197

PUR(CO)
CA(22/09/2016)

W.P.No.12751 of 2012

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