

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
AND
THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Appeal No.936 of 2012
and M.P.No.1 of 2012

1. The President
CRPF Employees Educational Society,
DTE, Genl. CGO Complex,
Lodhi road,
New Delhi - 110 003
 2. The Inspector General of Police,
Southern Sector CRPF, P.O. Keshovgiri,
Chandrayagutta,
Hyderabad,
Andharapradesh - 500 005.
 3. The Chairman,
CRPF Employees Educational Society,
CRPF, Avadi,
Chennai - 600 005.
 4. The Principal,
CRPF ITI Avadi,
Chennai - 600 065
- vs
1. B.Parvathi
W/o m.Dhanpal
 2. K.Meganathan
S/o G.Kandasamy
- ..Appellants/Respondents
- ..Respondents/Petitioners

Writ Appeal filed under Clause 15 of the Letter Patents Act against the order passed by this Court made in W.P.No.4162 of 2005 dated 11.03.2011. Writ petition filed U/Act 226 of Constitution of India seeking an order in the nature of writ of certiorari Mandamus, to call for the records of the 3rd respondent in the termination order dated 23.07.2004 having REF.No.E-I-4/04.EC-IV(JTO) and quash the same and consequently direct the 3rd respondent to reinstate the petitioners as instructors / Junior Training Officers in any one of the new courses including the Information Technology and Electronics

system proposed to be started in the 4th respondent institution after giving the necessary training

For Appellants : Mr.K.Gunasekar
SPCCG
For Respondents: Mr.P.Silambannan,
Senior Counsel
for Ms.C.Uma

J U D G M E N T

(Order of the Court was made by HULUVADI G. RAMESH, J.)

This appeal is filed by the President of CRPF Employees Educational Society and three others against B.Parvathi and K.Meganathan.

2. It appears that the service of the respondents/petitioners were terminated on the ground that the post, in which, they were appointed was wound up, against which, a writ petition was filed by the petitioners and after contest, the learned single Judge has passed an order as under:

"In the result, the writ petition is allowed and the impugned order passed by the third respondent, dated 23.07.2004 made in Ref.No.E-I-4 / 04.EC IV (JTO) against the petitioners is quashed and the respondents are directed to reinstate the petitioners into service, either in the same service or alternative service and the petitioners are entitled to continuity of service and all other benefits, except backwages. Considering the length of time, no order has been passed regarding backwages, on the principles "No work No Pay". No order as to costs."

3. Heard the learned counsel appearing for the parties.

4. Learned counsel for the appellants contended the post in which the respondents were appointed was wound up and without any work it is not possible to keep the persons engaged and give salary to the respondents. Learned counsel further contended that the respondents were appointed purely on temporary and private service and not on Government service and there is also no pensionary benefits.

5. On the other hand, learned counsel for the respondents contended that the the appellant Society have exploited the service of the petitioners for more than 14 years and have

regularised and treated the petitioners as regular appointees from the date of issue of the appointment order in the said post. Therefore, the petitioners have challenged the order of termination which was passed without notice to them.

6. It is not in dispute that both the respondents/petitioners have put in service for more than 14 years in the Society and on the decision being taken by the appellant Society to wind up the said post for various reasons, the respondents were terminated. Learned Single Judge has ordered for giving them alternate job extending some benefits to them.

5. The difficulty pleaded by the Management/appellant is that due to winding up of the posts of Junior Training Officers/ Radio and T.V. Mechanic Instructors, the service of the petitioners has to be discontinued/ terminated as there is no posts, cannot be accepted. The stand of the appellant that the respondents/ petitioners were not appointed in Government service and there is also no pensionary benefits available are untenable grounds, and therefore, the petitioners cannot be deprived as the appellants have exploited their service for more than 14 years. In such view of the matter, the appellants are directed to implement the order dated 11.03.2011 passed by the learned single Judge in its letter and spirit. Accordingly, the writ appeal is dismissed. No costs. Consequently, M.P.No.1 of 2012 is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

vsi

TO

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4. The Principal,
CRPF ITI Avadi,
Chennai - 600 065

+ 1 cc to Mr.C. Uma & Advocate Sr.26883
+ 1 cc to Mr.K. Gunasekar, Advocate Sr.27218

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CTK(CO)
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