

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.43396/2016 & W.M.P.No.37255/2016

S.Sakunthala

..

Petitioner

Vs.

The Registrar,
Tamil Nadu Open University,
No.577, Anna Salai,
Saidapet,
Chennai - 600 015.

..

Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to regularise the services of the petitioner from the date of initial appointment i.e., 10.09.2005 with due seniority and all other attendant benefits.

For Petitioner : M/s.L.Parvin Banu

For Respondents : Mr.G.Anantha Rangan

ORDER

By consent, the writ petition is taken up for final disposal.
Mr.G.Anantha Rangan, learned counsel accepts notice on behalf of the respondents.

2 The petitioner would state that she was appointed as a Data Entry Operator in the respondent / University on 10.09.2005 and at the time of her appointment, she had the qualification of B.Com., and Higher in English Typing and Lower in Tamil Typing. Thereafter, she completed her Post Graduate Degree and Higher in Tamil Typig and she was paid with an initial salary of Rs.3000/- per month and it got increased to Rs.4000/- and thereafter, to Rs.6000/- per month. The petitioner continued in that capacity without any break till 03.06.2012 and on 04.06.2012, she was posted in Students Support Services Division wherein she was given various works such as Data Entry, Student List Preparation, typing reply to RTI letters, attending enquiries etc. The respondent / University has also issued the petitioner with an Experience Certificate on 04.03.2013 with regard to the services rendered by her. The petitioner was issued with an Office Order on 04.03.2014, placing her as Junior Consultant on temporary basis for a period of six months from 04.03.2014 to 03.09.2014 or till the necessity ceases, whichever is earlier and she was given consolidated pay of Rs.10,000/- per month. The petitioner had also joined the School of Social Science in March 2014 and was assigned with the work relating to book work, maintaining the files etc.

3 Again the petitioner was issued with the Office Order on 08.09.2014 placing her as the Junior Consultant for a further period of six months, on temporary basis, from 08.09.2014 to 07.03.2015 with the consolidated pay of Rs.10,000/-. Thereafter, once again a similar Office Order was issued on 21.09.2015, for a period of six months commencing from 14.09.2015 to 13.02.2016 with a similar package. According to the petitioner, in her Performance Appraisal Report for the month of April 2016, the Head of the Department had stated that "*since no permanent non-teaching staff is available, her services are required and her performance was very good and sincere worker, may be continued till the regular appointment of permanent non-teaching staff.*" The petitioner was once again issued with the Office Order engaging her as the Junior Consultant on temporary basis for the period between 17.03.2016 and 30.06.2016 and was given a consolidated pay of Rs.15,000/- per month and after 30.06.2016, her services have not been extended.

4 The grievance expressed by the petitioner is that ever since from the year 2005 till 2016, her services have been engaged continuously and she has gained necessary experience for getting accommodated permanently and the Head of Department in her

Performance Appraisal Report, has also indicated about the non-availability of the permanent staff and the hard and sincere work put forth by the petitioner and therefore, submitted representations dated 18.07.2016 and 13.10.2016 respectively praying for regularisation of her services in a suitable post in consonance with her qualification and since it has not been given disposal, the petitioner came forward to file the present writ petition.

5 The learned counsel for the petitioner would submit that in the light of Paragraph 53 of the Judgment in ***State of Karnataka Vs Umadevi and others*** reported in ***2006 [4] SCC 1*** coupled with the fact that the requirement of the petitioner is also permanent in nature, the respondent / University, in all fairness, should have accommodated her by regularising her services and therefore, prays for appropriate orders.

6 This Court heard the submissions of Mr.G.Anantha Rangan, learned counsel appearing for the respondent / University.

7 Though the petitioner has prayed for a larger relief, this Court, in the light of the submissions made by the learned counsel

for the petitioner coupled with the facts and circumstances of the case, directs the respondent / University to consider and dispose of the petitioner's representations dated 18.07.2016 and 13.10.2016 respectively on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

8 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

16.12.2016

Index : No
Internet : Yes
AP

To
The Registrar,
Tamil Nadu Open University,
No.577, Anna Salai,
Saidapet, Chennai - 600 015.

M.SATHYANARAYANAN, J.,

AP

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