



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 23.11.2016
CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA
W.P (MD) No.22383 of 2016

WEB COPY

1.G.Manaoharan

2.A.Raviraja

3.M.GopalRaj

4.J.Nandakumar

5.K.Vijayakumar

6.K.Saravanperumal

7.T.Ramasamy

8.M.Mahendran

9.G.Rajaram

10.P.Sankar

: Petitioners

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment Board,
Chennai - 34.

2.The Joint Commissioner/Executive Officer,
Arulmighu Dhandayuthapani Samy Thirukovil,
Palani - 624 601.

3.The Correspondent,
Arulmigu Palaniandavar Polytechnic College,
Palani, Dindigul District.
(The Deputy Commissioner,
Arulmighu Dhandayuthapani Samy Thirukovil, Palani).

4.The Principal,
Arulmigu Palaniandavar Polytechnic College,
Palani, Dindigul District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus
directing the first respondent to consider the petitioners
representation dated 23.08.2016 and to direct the third respondent



not to adopt the procedure of break-off service in the petitioners' employment.

For Petitioners : Mr.D.Selvaraj
For Respondents : Mr.V.R.Shanmuganathan,
Special Government Pleader.

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O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus, directing the first respondent to consider the petitioners' representation dated 23.08.2016 and to direct the third respondent not to adopt the procedure of "break-off service" in the petitioners' employment.

2.Heard the learned counsel appearing for the petitioners and the learned Special Government Pleader, who took notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

3.The brief facts leading to the filing of this writ petition are as follows:

The petitioners were appointed as Lecturers and Lab Assistants in the third respondent College after selection through interview. They are on the consolidated pay and on temporary basis. From the date of their appointment, they have been rendering their service without any blemish.

3.1. The third respondent Polytechnic College is functioning under the Hindu Religious and Charitable Endowment Board as a Quasi-Government Institution. The College is an aided institution and approved by the All India Council for Technical Education and there exist permanent vacancy for permanent post in aided courses. The third respondent College, from the year 2013, adopted a procedure of "break-off service system" during the semester holidays. Even though, the petitioners are working throughout the year, the third respondent College has adopted the procedure of "break-off service" and made deduction from their salary. Therefore, seeking to revoke the illegal procedure being adopted, the petitioners have sent a representation to the first respondent on 23.08.2016. As the representation is not considered, this writ petition has been filed.

4.The learned Special Government Pleader appearing for the respondents would submit that it is agreeable for the first respondent to consider the representation of the petitioners and to pass appropriate orders within a period of four weeks.

<https://hcservices.equib.gov.in/hcservices/> 5. Upon the submission made by the learned Special Government Pleader appearing for the respondents, the first respondent is directed to consider the representation of the



petitioners dated 23.08.2016 and pass orders on merits and in accordance with law, within a period of four weeks, from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of.
No costs.

Sd/-
Assistant Registrar(crl.side)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,
Hindu Religious and Charitable Endowment Board,
Chennai - 34.
2. The Joint Commissioner/Executive Officer,
Arulmighu Dhandayuthapani Samy Thirukovil,
Palani - 624 601.
3. The Correspondent,
Arulmigu Palaniandavar Polytechnic College,
Palani, Dindigul District.
(The Deputy Commissioner,
Arulmighu Dhandayuthapani Samy Thirukovil, Palani).

+1cc to Mr.D.Selvaraj, Advocate Sr.No.71722

+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO.72677

ORDER MADE IN
W.P (MD) No.22383 of 2016
23.11.2016

smn
rum/ss2/06.01.2017/3p/6c