

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.5845 of 2017

T.Godwin

.. Petitioner

-vs-

1. Director of Collegiate Education
College Road
Chennai 600 006
2. The Joint Director of Collegiate Education
Tirunelveli Region
Tirunelveli 627 007
3. The Secretary / Correspondent
Nesamony Memorial Christian College
Marthandam
Kanyakumari District .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to approve the petitioner's appointment as Office Assistant in the Nesamony Memorial Christian College, Marthandam in the sanctioned vacancy caused by the promotion of Mr.P.John with effect from 12.04.1998 to 12.07.2007 in the light of approval given to similiary placed non-teaching staff Mr.P.Jenson Jone vide Na.Ka.No.39744/F2/2014 dated 03.02.2015, Mr.M.Stephen and Mr.Cithirairaj Gnanadhasan vide Na.Ka.No.5974/F2/2014 dated 13.01.2015, in W.A.No.99 of 2009 dated 24.04.2009 and S.L.P.No.27331 of 2013 dated 04.10.2013 with monetary benefits and other attendant benefits with effect from 06.04.1998 to 12.06.2007 based on the representation given by the petitioner dated 05.12.2016.

For Petitioner :: Mrs.R.Elizabeth

For Respondents:: Mr.T.M.Pappiah
Special Government Pleader for
R1 & 2
Mr.S.Bharathirajan for R3

ORDER

The petitioner was appointed as Office Assistant in Nesamony Memorial Christian College, Marthandam, the third respondent herein on 6.4.98 on compassionate grounds, since his father died in harness on 21.10.97. It is also further stated that when a vacancy arose in the sanctioned post caused by the promotion of Mr.T.John with effect from 6.4.98, the petitioner was selected and appointed as Office Assistant and an order of appointment was also issued by the Secretary of Nesamony Memorial Christian College, Marthandam on 6.4.98. Subsequently, the petitioner was not able to receive salary for the period commencing from 6.4.98 to 12.6.2007 and thereafter, the third respondent also, by re-designating his services, posted him as Laboratory Assistant with effect from 13.6.2007 and the said proceedings were also forwarded to the first respondent for approval. Accordingly, the Joint Director of Collegiate Education, Tirunelveli, the second respondent herein has also approved his services as Laboratory Assistant with effect from 13.6.2007. Since he is the senior most non-teaching staff in the third respondent college and he was also absorbed and appointed on compassionate ground in the sanctioned non teaching post vacancy as Office Assistant on 6.4.98, the respondents cannot unnecessarily keep the petitioner's request for grant of approval in cold storage for a long time. Moreover, when the third respondent college has also sent the proposal seeking approval of his appointment, until the approval of the appointment is granted by the first respondent, the petitioner will not be able to receive the salary. Therefore a direction may be issued.

2. Mr.T.M.Pappiah, learned Special Government Pleader takes notice on behalf of the respondents 1 & 2. Mr.S.Bharathirajan, learned counsel takes notice on behalf of the third respondent.

3. The petitioner was admittedly appointed on compassionate grounds on 6.4.98 as Office Assistant. Subsequently, on a proposal made by the third respondent College to the first respondent, approval to the post of Laboratory Assistant was also given by the second respondent with effect from 13.6.2007. Now the third respondent has sent a proposal seeking approval of the petitioner's original appointment in the post of Office Assistant to the first respondent through the second respondent. But this has not been considered so far. Therefore, the first respondent is directed to consider the case of the petitioner, on the basis of the proposal sent by the third respondent college, and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. The writ

petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

ss

To

1. The Director of Collegiate Education
College Road
Chennai 600 006

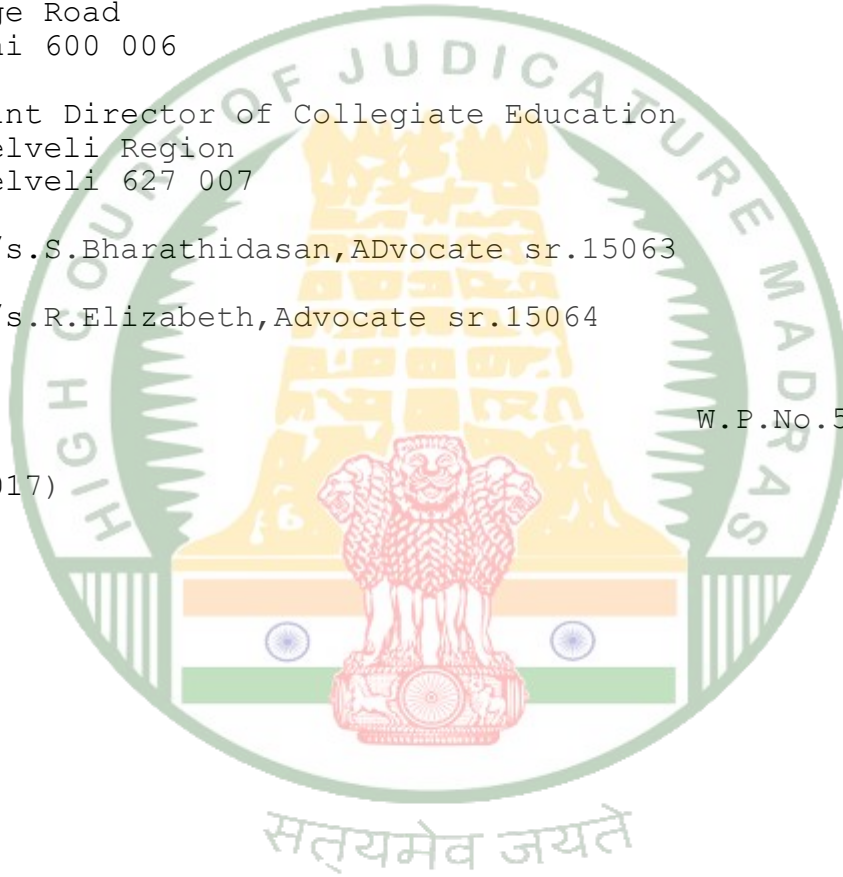
2. The Joint Director of Collegiate Education
Tirunelveli Region
Tirunelveli 627 007

+1cc to M/s.S.Bharathidasan,ADvocate sr.15063

+1cc to M/s.R.Elizabeth,Advocate sr.15064

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ss(28/3/2017)



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