

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 6.7.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE G.JAYACHANDRAN

W.A.No.619 of 2017
and
C.M.P.Nos.8650 and 8651 of 2017

The Director
Tamilnadu Institute of
Labour Studies No.5
Kamarajar Salai Chennai-600 009. Appellant/2nd Respondent

Versus

- 1 V.G.Thyagarajan
- 2 The Principal Secretary
Labour and Employment Department
Fort St. George Chennai-9.
- 3 The Secretary to Government
Higher Education Department
Secretariat Fort. St. George
Chennai-9

(R2-R1 is not necessary partly given
up in the writ appeal)

Respondents/Petitioner &
1&3rd respondents

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 25.4.2017 passed in W.P.No.21772 of 2016 on the file of this court. Writ petition filed under Article 226 of the constitution of India seeking a writ of mandamus to directing the respondents to extend the benefit of the GO Ms.No.281 & GO Ms.No. 300 dated 13.02.1981 & 08.09.2006 and further direct the 2nd respondent to re-employe the petitioner in the 2nd respondent institute and permit him to continue in service till the end of the academic year 2016-2017.

For appellant : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

For R1 : Mr.L.Chandrakumar for
M/s.Law Square

R2 and R3 : Given up

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties for some time.

2. The writ appeal is filed by the Director, Tamilnadu Institute of Labour Studies, challenging the order of the learned Single Judge granting the benefit of extension of service till 31.5.2017, while the date of superannuation of the first respondent being 30.6.2016.

3. It is brought to the notice of the court that the appellant-Institute is registered under the Tamil Nadu Societies Act, 1975 and it comes under direct control of Labour and Employment Department and therefore, Government Orders passed by the Education Department are not applicable to the Institute. It appears that as per Regulation 15.2 of the Service Regulations and Delegation of Powers applicable to the appellant-Institute, a Faculty member shall retire from service on attaining the age of 60 years and therefore, the stand of the first respondent herein that his service should be extended by re-employment till the end of the academic year in the interest of the students cannot be accepted.

4. In view of the above, the writ appeal is allowed and the order passed by the learned Single Judge is set aside. No costs. The connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssk.

To

- 1 The Principal Secretary
Labour and Employment Department
Fort St. George Chennai-9.
- 2 The Secretary to Government
Higher Education Department
Secretariat Fort. St. George
Chennai-9
- 3 The Director Tamil Nadu Institute of
Labour Studies Kamarajar Salai
Chennai-600 009

W.A.No.619 of 2017

SR (CO)