

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2017

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. Nos.14334 to 14340 of 2017

V. Muthuraman	Petitioner in WP No.14334 of 2017
S. Sivasaravanan	Petitioner in WP No.14335 of 2017
P. Virumandy	Petitioner in WP No.14336 of 2017
M. Selvarani	Petitioner in WP No.14337 of 2017
A. Lakshmanan	Petitioner in WP No.14338 of 2017
K. Thangamarikkani	Petitioner in WP No.14339 of 2017
C. Selvam	Petitioner in WP No.14340 of 2017

vs.

- 1 The Director of Collegiate Education
College Road
Chennai 600 006
- 2 The Joint Director of Collegiate Education
Madurai Region
Madurai
- 3 The Secretary/Correspondent
N.M.S.S. Vellaichamy Nadar College
Nagamalai
Pudukottai
Madurai 625 019 ... Respondents in all the writ petitions

Prayer in WP No.14334 of 2017:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to accord approval of the appointment of the petitioner as Laboratory Assistant in the third respondent college with effect from 06.12.2007, i.e., from the date of his initial appointment instead of 12.06.2009 in the light of approval given by the first respondent to the similarly placed college, viz., Arumuga Pillai Sethaiammal College, Tirupattur, by proceedings Na.Ka.No.45285/G2/14 dated 21.11.2014, on the basis of the second respondent's proposal made in Na.Ka. No.92/A5/17 dated 02.02.2017 by considering the representations dated 03.04.2017 and 24.04.2017 of the petitioner and give all consequential benefits.

Prayer in WP No.14335 of 2017:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to accord approval of the appointment of the petitioner as Library Assistant in the third respondent college with effect from 12.12.2007, i.e., from the date of his initial appointment instead of 12.06.2009 in the light of approval given by the first respondent to the similarly placed college, viz., Arumuga Pillai Sethaiammal College, Tirupattur, by proceedings Na.Ka.No.45285/G2/14 dated 21.11.2014, on the basis of the second respondent's proposal made in Na.Ka. No.92/A5/17 dated 02.02.2017 by considering the representations dated 03.04.2017 and 24.04.2017 of the petitioner and give all consequential benefits.

Prayer in WP No.14336 of 2017:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to accord approval of the appointment of the petitioner as Record Clerk in the third respondent college with effect from 11.12.2007, i.e., from the date of his initial appointment instead of 12.06.2009 in the light of approval given by the first respondent to the similarly placed college, viz., Arumuga Pillai Sethaiammal College, Tirupattur, by proceedings Na.Ka.No.45285/G2/14 dated 21.11.2014, on the basis of the second respondent's proposal made in Na.Ka. No.92/A5/17 dated 02.02.2017 by considering the representations dated 03.04.2017 and 24.04.2017 of the petitioner and give all consequential benefits.

Prayer in WP No.14337 of 2017:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to accord approval of the appointment of the petitioner as Laboratory Assistant in the third respondent college with effect from 11.12.2007, i.e., from the date of her initial appointment instead of 12.06.2009 in the light of approval given by the first respondent to the similarly placed college, viz., Arumuga Pillai Sethaiammal College, Tirupattur, by proceedings Na.Ka.No.45285/G2/14 dated 21.11.2014, on the basis of the second respondent's proposal made in Na.Ka. No.92/A5/17 dated 02.02.2017 by considering the representations dated 03.04.2017 and 24.04.2017 of the petitioner and give all consequential benefits.

Prayer in WP No.14338 of 2017:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to accord approval of the appointment of the petitioner as Laboratory Assistant in the third respondent college with effect from 07.12.2007, i.e., from the date of his initial appointment instead of 12.06.2009 in the light of approval given by the first respondent to the similarly placed college, viz., Arumuga Pillai Sethaiammal College, Tirupattur, by proceedings Na.Ka.No.45285/G2/14 dated 21.11.2014, on the basis of the second respondent's proposal made in Na.Ka. No.92/A5/17 dated 02.02.2017 by considering the representations dated 03.04.2017 and 24.04.2017 of the petitioner and give all consequential benefits.

Prayer in WP No.14339 of 2017:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to accord approval of the appointment of the petitioner as Record Clerk in the third respondent college with effect from 10.12.2007, i.e., from the date of her initial appointment instead of 12.06.2009 in the light of approval given by the first respondent to the similarly placed college, viz., Arumuga Pillai Sethaiammal College, Tirupattur, by proceedings Na.Ka.No.45285/G2/14 dated 21.11.2014, on the basis of the second respondent's proposal made in Na.Ka. No.92/A5/17 dated 02.02.2017 by considering the representations dated 03.04.2017 and 24.04.2017 of the petitioner and give all consequential benefits.

Prayer in WP No.14340 of 2017:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to accord approval of the appointment of the petitioner as Laboratory Assistant in the third respondent college with effect from 10.12.2007, i.e., from the date of his initial appointment instead of 12.06.2009 in the light of approval given by the first respondent to the similarly placed college, viz., Arumuga Pillai Sethaiammal College, Tirupattur, by proceedings Na.Ka.No.45285/G2/14 dated 21.11.2014, on the basis of the second respondent's proposal made in Na.Ka. No.92/A5/17 dated 02.02.2017 by considering the representations dated 03.04.2017 and 24.04.2017 of the petitioner and give all consequential benefits.

For petitioner in
all the WPs

Mr. P. Ganesan

For RR 1 & 2 in
all the WPs

Mr. T.M. Pappiah
Special Govt. Pleader

COMMON ORDER

In view of commonality of issue involved, all these writ petitions are considered and decided by this common order.

2. With the consent of the learned counsel for the petitioners and the learned Special Government Pleader appearing for respondents 1 and 2, these writ petitions are taken up for final disposal.

3. While the petitioners in W.P. Nos.14334, 14337, 14338 and 14340 of 2017 were appointed as Laboratory Assistant on 06.12.2007, 11.12.2007, 07.12.2007 and 10.12.2007 respectively, the petitioners in W.P. Nos.14336 and 14339 were appointed as Record Clerk on 11.12.2007 and 10.12.2007 respectively and the petitioner in W.P.No.14335 of 2017 was appointed as Library Assistant on 12.12.2017 in the third respondent college.

4. Except the petitioner in W.P. No.14334 of 2017 who was appointed in a sanctioned vacancy caused by retirement of his predecessor, the other petitioners were appointed in sanctioned vacancies caused by promotion of their predecessors. After being satisfied with the qualification acquired by the petitioners on the date of appointment, they were all issued with appointment orders by the third respondent on the basis of available sanctioned posts with the permission given to fill up non teaching staff by the first respondent vide proceedings dated 15.05.2007 and subsequently, the posts in which the petitioners were appointed were also approved by the second respondent vide proceedings in Na.Ka.No.6918/A3/09 dated 01.10.2009 with effect from 12.06.2009.

5. But, the petitioners' grievance is that their appointments were not approved from the date of their initial appointment, as stated above and as the respondents have approved their appointment prospectively from the date of grant of approval, i.e., 12.06.2009, they have addressed representations and finally, the third respondent college also has sent a proposal on 03.04.2017 in this regard, which is still under consideration and hence, these writ petitions are filed seeking a direction to the first respondent to accord

approval of the appointment of the petitioners in the third respondent college with effect from the date of their initial appointment instead of 12.06.2009, in the light of the approval given by the first respondent to the similarly placed college, viz., Arumuga Pillai Sethaiammal College, Tirupattur, by proceedings Na.Ka.No.45285/G2/14 dated 21.11.2014, on the basis of the second respondent's proposal made in Na.Ka. No.92/A5/17 dated 02.02.2017 by considering the proposal dated 03.04.2017 addressed by the third respondent college and the representation dated 24.04.2017 addressed by the petitioners and give the petitioners, all consequential benefits.

6. A perusal of the proposal dated 03.04.2017 addressed by the third respondent college to the first respondent shows that the petitioners were appointed only in sanctioned posts. Therefore, their appointment is entitled to be approved from the date of their initial appointment.

7 Accordingly, the first respondent is directed to consider the proposal dated 03.04.2017 forwarded by the third respondent college on merits and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, these writ petitions stand disposed of. Costs made easy.

Sd/-
Assistant Registrar(CO)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

cad

To

- 1 The Director of Collegiate Education
College Road
Chennai 600 006
- 2 The Joint Director of Collegiate Education
Madurai Region
Madurai

WEB COPY

3 The Secretary/Correspondent
N.M.S.S. Vellaichamy Nadar College
Nagamalai, Pudukottai
Madurai - 625 019

+7cc to Mr.P. Ganesan, Advocate, S.R.No.45430

+1cc to Government Pleader, S.R.No.45789

W.P. Nos.14334 to 14340 of 2017

SS (CO)
CS/17/07/17



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