

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.11.2017

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THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.28872 of 2017 and
WMP.Nos.31085 and 31086 of 2017

Dr.Ramanand Yadav

...Petitioner

Versus

1. The Union of India
rep. by this Secretary to Government,
Ministry of Shipping,
New Delhi-1.

2. Indian Maritime University,
rep. by its Registrar,
East Coast Road, Uthandi,
Chennai-119.

3. The Dean,
School of Maritime Management,
Indian Maritime University,
East Coast Road, Uthandi,
Chennai-119.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent comprising of the letter dated 05.08.2013 vide Endorsement No.IMU/EST/HQ/STAFF/01/FACUL/MGT/Apool/2012 dated 07.08.2013 and quash the same as unconstitutional, illegal, arbitrary and ultravires and provisions of the Indian Maritime University Act and consequently, direct the 2nd respondent to permit the petitioner to work as an Assistant Professor in the Faculty of Management of the University, with all the attendant benefits.

For Petitioner	: Mr.Thriyambak J.Kannan
For Respondents	: Mr.C.V.Ramachandramurthy, Senior Panel Counsel for Central Government

ORDER

The present Writ Petition has been filed so belatedly, challenging the very old order of the Registrar, Indian Maritime University, East Cost Road, Chennai-119, the 2nd respondent herein, dated 05.08.2013, thereby dismissing the petitioner from service and quash the same as unconstitutional, illegal, arbitrary and ultra vires and the provisions of the Indian Maritime University Act and consequently, for a direction, directing the 2nd respondent to permit the petitioner to work as an Assistant Professor in the Faculty of Management of the University, with all the attendant benefits.

2. Heard the learned Counsel for the petitioner and the learned Senior Panel Counsel for the Central Government appearing for the respondents and I have also perused the materials available on record.

3. On the face of the records, this Court is of the view that the prayer in the Writ Petition is wholly untenable and not maintainable in view of the stand taken by the petitioner in his own representation

<http://www.judis.nic.in> dated 28.08.2017 which is extracted hereunder :

"2. I have worked with your University (IMU) from

process to join to the post of Labour Enforcement Officer (Central) in the O/o. Dy. CLC @, Jabalpur. The Relieving Order (Ref1) was issued on 7.10.2015. For fixation of Pay, as per extent rules, the new employer requested (as per Ref 2,3&4) for forwarding of the subject documents i.e. Service Book, Leave Account & LPC. I also met with our Ministry and University Officials with representation on number of occasions."

Therefore, it is clear that the petitioner after dismissal from service on 5.8.2013 got reinstated and continued in service till he got relieved on 7.10.2015 A.N.

4. Secondly, the petitioner has already approached this Court by way of filing W.P.No.26069/2013, challenging the very same order and after withdrawing the said writ petition on 8.9.2015, the petitioner, has kept quite for such a long time. Further, the order of withdrawal does not show that he was given liberty to approach this Court subsequently on the same cause of action. Thirdly, the stand taken by the petitioner that a similar issue was decided by a decision of a Division Bench of this Court in W.A.No.591 of 2015 dated 15.3.2016 is also devoid of any merit. A perusal of the same would also go to show that the

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petitioner kept quite for more than one year after the order passed by the Division Bench of this Court in similar issue. Therefore, the Writ Petition is liable to be dismissed on the ground of laches also.

5. In view of all the above, the Writ Petition fails and the same is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

13.11.2017

Index:Yes/No

Internet:Yes/No

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To

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Ministry of Shipping,
New Delhi-1.
2. The Registrar,
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East Coast Road, Uthandi,
Chennai-119.
3. The Dean,
School of Maritime Management,
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