

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25470 of 2012

And

M.P.No.1 of 2012

S.RAGUPATHI

[PETITIONER]

Vs

1 THE STATE OF TAMIL NADU
REP. BY THE SECRETARY TO GOVERNMENT
HIGHER EDUCATION DEPARTMENT
SECRETARIAT CHENNAI-9.

2 THE DIRECTOR
DIRECTORATE OF TECHNICAL EDUCATION
CHENNAI-25.

3 MURUGAPPA POLYTECHNIC COLLEGE
REP. BY THE PRINCIPAL, AVADI,
CHENNAI-62.

[RESPONDENTS]

Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the respondents to regularize the service of the petitioner with effect from the date of initial appointment i.e. 21.2.94 with all monetary and service benefits.

For Petitioner : Mr.R.Singaravelan, Senior Counsel
for Ms.M.Srividhya

For Respondents : Mr.A.Zakkir Hussain, GA (R1&2)
Mr.S.Haroon - Al - Rosheed for
M/s T.S.Gopalan & Co. (R3)

O R D E R

Heard Mr.R.Singaravelan, learned Senior Counsel for Ms.M.Srividhya, learned counsel for the petitioner, Mr.A.Zakkir Hussain, learned Government Advocate for the 1st and 2nd respondents and Mr.S.Haroon-Al-Rosheed, learned counsel for M/s T.S.Gopalan & Co., for the 3rd respondent.

2. This writ petition has been filed to issue a writ of mandamus directing the respondents to regularize the service of the petitioner with effect from the date of his initial appointment, i.e., 21.02.1994, with all monetary and service benefits.

3. The case of the writ petitioner is that he was selected and appointed for the post of Field Assistant in proceedings dated 11th February, 1994. The order of appointment was issued by the 3rd respondent Management and pursuant to the same, he is continuing in the post for more than two decades. The grievance of the writ petitioner is that he is entitled for regularisation with effect from his initial date of appointment viz., 11th February, 1994, however, his services were regularized with effect from 1996. Hence, the writ petitioner has come forward with this writ petition.

4. The learned counsel appearing for the 3rd respondent contended that as per the Government instructions, the services of the writ petitioner were already regularized with effect from 1996 and the Management cannot give retrospective regularisation. However, according to him, the 1st respondent can consider the matter afresh and pass orders with regard to the retrospective regularisation by granting relaxation under the Rules.

5. In view of this, since the writ petitioner has already submitted representations dated 28th March, 2011 and 8th September, 2012, the 1st respondent is directed to consider the said representations, on merits and in accordance with law, and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of accordingly. No costs. Connected miscellaneous petition is closed.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar

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To

1 THE SECRETARY TO GOVERNMENT
STATE OF TAMIL NADU
HIGHER EDUCATION DEPARTMENT
SECRETARIAT CHENNAI-9.

2 THE DIRECTOR
DIRECTORATE OF TECHNICAL EDUCATION
CHENNAI-25.

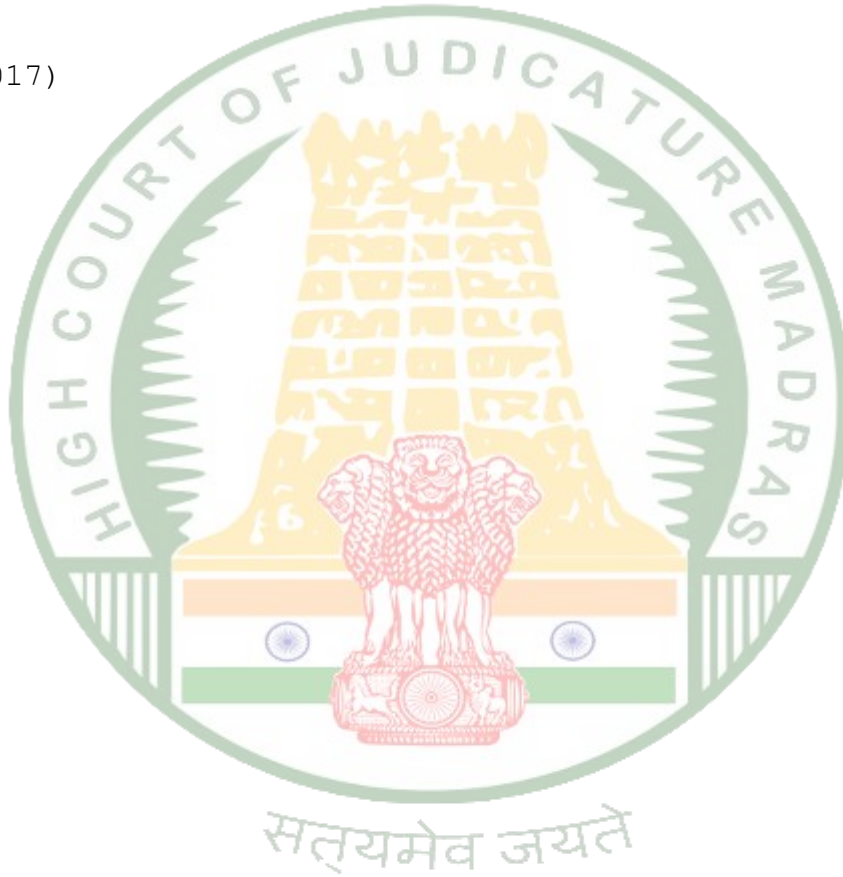
+1cc to M.Srividhya, Advocate Sr. 36846

+1cc to the Government Pleader, Sr. 36948

+1cc to M/S.T.S. Gopalan & Co, Sr. 36922

W.P.No.25470 of 2012

NR (CO)
VR (19/5/2017)



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