



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 10.08.2017

CORAM:

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**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.A.[MD].Nos.919 and 920 of 2016

The Manonmaniam Sundaranar University,
rep. By its Registrar, Abishekapatti,
Tirunelveli - 627 012.

... Appellant in both appeals

Vs.

P.Kasthuri
S.Pushpaveni

... Respondent in W.A.(MD)No.919/2016
... Respondent in W.A.(MD)No.920/2016

PRAYER in both appeals: Writ Appeals are filed under Clause 15 of the Letters Patent, to set aside the order dated 10.08.2015 made in W.P.(MD)Nos.14111 and 14110 of 2015 respectively on the file of this Court.

Prayer in WP(MD). 14111/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to absorb the petitioner to the post of Junior Assistant from the date of her appointment in the respondent university and consequently direct the respondent to regularize her service and direct to provide all the service benefits to the petitioner as requested in the representation of the petitioner dated 16.07.2015.

Prayer in WP(MD). 14110/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to absorb the petitioner to the post of Junior Assistant from the date of her appointment in the respondent university and consequently direct the respondent to regularize her service and direct to provide all the service benefits to the petitioner as requested in the representation of the petitioner dated 11.11.2014.

For Appellant : Mr.M.Mahaboob Authiff for
M/s.Ajmal Associates
For Respondents : Mr.J.Thomas Rajadurai

**COMMON JUDGMENT**

[Judgment of the Court was delivered by G.R.SWAMINATHAN, J.]

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These writ appeals are directed against the order dated 10.08.2015 allowing W.P.(MD) Nos.14111 and 14110 of 2015 filed by the respective respondents.

2.The writ petitioners were working as skilled NMRs on consolidated pay in the appellant University. They made representations for regularization of their services. Since they had put in several years of services without any break, they filed the said writ petitions for absorption as Junior Assistants from the date of appointment and for consequential regularisation. The learned Judge allowed the writ petitions as prayed for. Aggrieved by the same, the University has filed the present writ appeals.

3.It appears that similarly placed skilled NMRs earlier filed writ petitions claiming similar reliefs and when the University questioned the orders allowing the writ petitions, a Division Bench of this Court, by order dated 29.04.2014 in W.A. (MD) Nos.351, 911 and 908 of 2012 partly allowed the writ appeals modifying the order of the learned Single Judge granting the benefit of absorption to the respondents. It was held that the writ petitioner would be absorbed against the regular vacancies with effect from 23.11.2011. In other words, the benefit of absorption was given from the date when the writ petitions were allowed instead of the date of their initial appointment. Following the said Division Bench order, we allow these appeals partly modifying the orders of the learned Judge granting the benefit of absorption to the respondents. The respondents/writ petitioners shall be absorbed against the regular vacancies with effect from 10.08.2015, the date of the order of the learned Judge with all the consequential monetary benefits arising out of the same.

4.The writ appeals are partly allowed. No costs.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

+ 2 CC TO Mr.R.THOMAS RAJADURAI, ADVOCATE IN SR No. 71931,71932

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TE/SV-MMS/SAB-IT : 30/08/2017 : 2P/3C
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W.A.[MD].Nos.919 and 920 of 2016
10.08.2017