



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD).No.10983 of 2017 and
W.M.P.(MD)Nos.8411 & 8412 of 2017

A.Udayakumar

..Petitioner

Vs.

1. Union of India,
Represented by its Secretary,
Ministry of Human Resources Development,
New Delhi.
2. The Director General,
Indian Council of Agriculture Research(ICAR),
Krishi Bhawan, New Delhi.
3. The Registrar,
Gandhigram Rural Institute (Deemed University),
Gandhigram, Dindigul District.
4. The Director,
ICAR-Agricultural Technology Application
Research Institute(ATARI),
MRS, H.A.Farm, Hebbal,
Bengaluru - 560 024.
5. The Director,
ICAR-Agricultural Technology Application
Research Institute(ATARI),
Zone V, Crida Campus, Santhosh Nagar,
Hyderabad - 59.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the fourth respondent in his proceedings in F.No.ADMN.5-35/ZPD/2012, dated 24.05.2017, rejecting the petitioner's request for the continuation of service as Programme Co-ordinator till June, 2019, considering his age of retirement as 62 years and set aside the same as illegal and consequent direction may be issued directing the respondents to permit the petitioner to continue in service till June, 2019, considering his age of retirement as 62 years and ~~advice him~~ ~~to~~ ~~continue~~ ~~in~~ ~~service~~ ~~and~~ ~~pay~~ ~~him~~ ~~all~~ ~~the~~ ~~service~~ ~~and~~ ~~monetary~~ ~~benefits~~ ~~in~~ ~~par~~ ~~with~~ ~~the~~ ~~employees~~ ~~of~~ ~~the~~ ~~third~~ ~~respondent~~ ~~University~~.



For Petitioner

: Mr.T.A.Ebenezer

For Respondents

: Mr.T.Dharmaraj,
Senior Panel Counsel.

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O R D E R

This Writ petition has been filed by the petitioner for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the fourth respondent in his proceedings in F.No.ADMN.5-35/ZPD/2012, dated 24.05.2017, rejecting the petitioner's request for the continuation of service as Programme Co-ordinator till June, 2019, considering his age of retirement as 62 years and set aside the same as illegal and consequent direction may be issued directing the respondents to permit the petitioner to continue in service till June, 2019, considering his age of retirement as 62 years and also to extend him all the service and monetary benefits in par with the employees of the third respondent University.

2. Heard, Mr.T.A.Ebenezer, learned counsel appearing for the petitioner and Mr.T.Dharmaraj, learned Senior Panel Counsel appearing for the respondents.

3. Mr.T.Dharmaraj, learned Senior Panel Counsel takes notice for the respondents. By consent, the Writ petition itself is taken up for final disposal.

4. The petitioner admitted that he was re-designated as Subject Matter Specialist(SMS) from 03.06.2006. Though he was holding the post of Programme Co-ordinator for some time as a person in-charge, he cannot claim the benefit of service rules applicable to the post of Programme Co-ordinator. Normally, the persons who are working in lower posts are also given Additional Charge only for doing some administrative works. This Adhoc arrangement will not confer any right to the substantial post he may or may not be qualified.

5. From the impugned order, it is made clear that the petitioner who is only a Subject Matter Specialist has to retire upon completion of 60 years as per FR-56(a). Though it is stated that the retirement age of Programme Co-ordinator(Scientific Cadre) is 62 years, the petitioner cannot claim the benefit of such extended period in service, merely, on the strength of his service in the post as in-charge for some time. In the affidavit, the petitioner has not brought any other rule or regulations so as to make the claim of the petitioner sustainable. This Court does not find any irregularity or infirmity in the impugned order of the fourth respondent in the Writ petition. Hence, the Writ petition is dismissed as devoid of any merits. No costs.



Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AD-II)

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Sub Assistant Registrar.

To

1. The Secretary,
Union of India,
Ministry of Human Resources Development,
New Delhi.
2. The Director General,
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Krishi Bhawan, New Delhi.
3. The Registrar,
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Hyderabad - 59.

+1CC to M/S.T.A.Ebenezer, Advocate, SR.No. 60130

ORDER MADE IN
W.P.(MD).No.10983 of 2017
14.06.2017

pmu

AM/SV MMS/SAR 2/21.06.2017/3P/7C



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