



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 29.10.2018

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
AND

THE HONOURABLE MRS.JUSTICE R.THARANI
Review Application (MD) No.23 of 2016

in

W.A. (MD) No.351 of 2012

1.S.Thendral
2.S.Crystal Sheeba
3.N.Rajeshwari
4.S.Saravana Perumal
5.T.Manimekalai
6.M.Mariyammal
7.R.Seema
8.S.Marimuthu
9.S.Suresh
10.M.Maria Stella
11.J.Indirani
12.N.Theepalakshmi
13.S.Sahaya Praveena
14.V.Meena
15.P.Vasanthan
16.M.Velammal
17.C.Ramalakshmi
18.S.Petchiammal
19.S.Paramasivam
20.P.Pasunkili

.. Petitioners

Vs.

The Registrar,
Manonmaniam Sundaranar University,
Abishekappatti,
Tirunelveli.

.. Respondent

Prayer : Review Application is filed under Section 114 r/w. Order 47 Rule 1 of CPC to review the judgment passed in W.A.(MD)No.351 of 2012, dated 29.04.2014.

Prayer in WA(MD). 351/ 2012 :

To file this Memorandum of Grounds of Writ Appeal against the order dated 23/11/2011 passed in WP(MD).No.540/2011 on the file of this Honourable Court.

Prayer in WP(MD). 540/ 2011 :

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 petitioners to the posts of Junior Assistants from the date of their appointment in the respondent University and consequently direct the respondent to provide all the service benefits to the petitioners.



For Petitioners : Ms.D.Geetha
For Respondent : Mr.M.Mahaboob Athiff
for M/s.Ajmal Associates

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ORDER**(Order of the Court was made by V.M.VELUMANI, J.)**

This Review Application is filed by the petitioners to reconsider the judgment passed in W.A.(MD)No.351 of 2012, dated 29.04.2014.

2.According to the review petitioners, at the time of final hearing of the writ appeals, submissions were made on their behalf that the review petitioners are willing to forego monetary benefits for the post sanctioned, if they are absorbed from the date of appointment. The learned Senior Counsel appearing for the respondent University agreed for the said contention. The Division Bench of this Court did not consider the said submission of the learned counsel for the petitioners and the learned Senior Counsel for the respondent University.

3.Today, when the matter is taken up for hearing, Mr.M.Mahaboob Athiff, learned counsel appearing for the respondent University has produced a Letter of the Registrar of Manonmaniam Sundaranar University addressed to M/s.Ajmal Associates, Standing Counsel for the University, Madurai. The relevant portion of the said Letter reads as follows:-

'The University had already implemented the order of the Court by which the review petitioners have been absorbed as Junior Assistants from the date of the order made by the learned Single Judge. The Court had made it clear that they would not be entitled to any kind of monetary benefits for the period between the date of initial appointment and the date of the order of the Writ Court. However, the University had during the pendency of the Writ Appeal taken a stand, that it would not averse to granting service benefits other than any kind of monetary benefit or any benefit which would have financial implication on the University from the date of their initial engagement. However, it is made clear that the above stand and the order made in the Writ Appeal as well as the present Review Application is having regard to the fact that the petitioners have been held by the Court to satisfy the qualification for the post and thus the above concession by the University and the order made thereof shall not be treated as precedent in future or in any other case.'



4. In view of the stand taken by the respondent University, the impugned order is modified to the effect that the petitioners shall be absorbed from the date of their initial appointment with service benefits except monetary benefits.

5. With the above modification, this Review Application is disposed of. No costs.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-II)

To

The Registrar,
Manonmaniam Sundaranar University,
Abishekappatti,
Tirunelveli.

- 1 CC TO M/s.GEETHA , ADVOCATE IN SR No.93350.
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- SMN2
- DS PM SAR2 11 12 2018 3P 3C

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