

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.12.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9929 of 2006

and

W.M.P.No.11170 of 2006

RICA Employees Union,
(Reg.No.953/NAT)

Vellore, Rep.by its President,
Manitha Neyakoodam,
No.17, Sinthu Garden,
Gandhi Nagar,
Vellore - 632 006.

..Petitioner

--Vs--

1. The Director,
Regional Institute of Correctional Administration (RICA),
Thorapadi & Post,
Vellore - 632 002.

2. The Board of Management,
Regional Institute of Correctional Administration (RICA),
Thorapadi & Post,
Vellore - 632 002.

..Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration, declaring Service Rule part-I(iii)i of the service Rule of the Regional Institute of Correctional Administration as unconstitutional and consequently declare that the subsequent follow up proceedings based on the unconstitutional service Rule part - I(iii)1 is void.

For Petitioner
For Respondents

:Mr.C.Regurajan
:Mr.K.A.Ravindran

O R D E R

The relief sought for in the present writ petition is for a direction to declare the Service Rule part-I(iii)i of the

Service Rule of the Regional Institute of Correctional Administration as unconstitutional and consequently declare that the subsequent follow up proceedings based on the unconstitutional service Rule part-I(iii) is void.

2. Though the present writ petition has been filed challenging the validity of the service rules and several grounds are raised by the petitioner union. The learned counsel for the respondent states that the writ petitioner union itself is not functioning as of now and the present writ petition is filed in respect of the members in the petitioner union working in the category of sweepers, gardeners and other class-4 employees.

3. It is brought to the notice of this Court that, the respondents had not undertaken the selection process for the year 2004, no appointments can be made after the year 2004 and in respect of the existing employees, already 13 employees were allowed to retire from service and their pensionary benefits are settled. In respect of the very few employees that is to say about 10 they are in service and their services were regularised by the respondents. Thus, employees are now working in sanctioned post and they are receiving the salary as per the Pay Rules in force.

4. This being the factum now expressed, the learned counsel for the respondents states that the service rules now challenged may not have any implications in respect of any serving employees. However, if the employees are still aggrieved from and out of any other subsequent development, they are at liberty to approach to redress their grievances in their individual capacity.

5. Accordingly, the present writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

pns

To

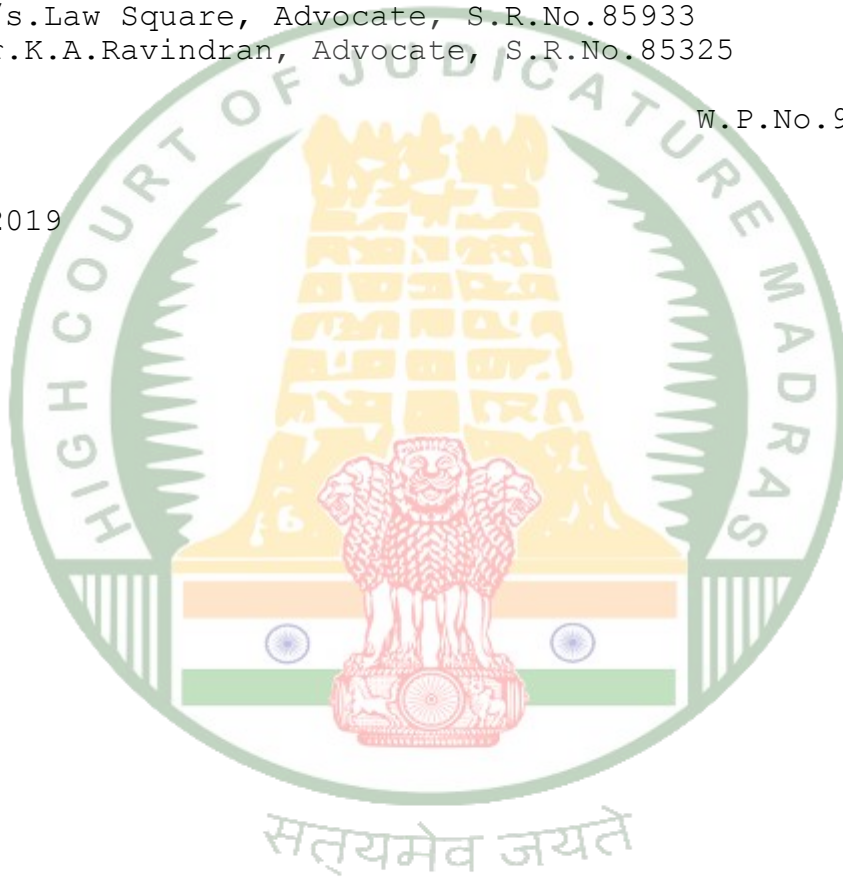
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Vellore - 632 002.
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Vellore - 632 002.

+1cc to M/s.Law Square, Advocate, S.R.No.85933

+1cc to Mr.K.A.Ravindran, Advocate, S.R.No.85325

W.P.No.9929 of 2006

RSI (CO)
CS/23/01/2019



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