

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.02.2018

CORAM

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.Nos.2933 and 2934 of 2018

D.Suresh Rajakumar ... Petitioner
in WP.2933/18

P.Karuppasamy ... Petitioner
in WP.2934/18

Vs

1.The Director of Collegiate Education,
College Road, Chennai-6.

2.The Joint Director of
Collegiate Education,
Madurai Region, Madurai.

3.The Secretary,
The Standard Fireworks Rajaratnam
College for Women,
Sivakasi.

..Respondents
in both WPs

Writ Petition No.2933 of 2018 filed under Article 226 of The Constitution of India seeking for issuance of Writ of Mandamus, to direct the 1st and 2nd respondent to approve and regularise the petitioner's appointment as Library Assistant in the 3rd respondent College in the sanctioned vacancy caused by the promotion of Mr.R.Kumaresan w.e.f. the initial date of appointment i.e., 02.01.2008 to 11.06.2009 in the light of approval given by the 1st respondent to the similarly placed persons like Mr.P.Venkateswawran & 7 others were appointed on 19.12.2007 in Thevangur Arts College, Aruppukottai their appointment also approved by the 1st respondent vide proceedings Mu.Mu.No.67939/G2/14 dated 29.05.2014 and Mr.V.Muthuraman & 6 others were appointed in N.M.S.S. Vellaisamy Nadar College, Madurai their appointment also approved by the 1st respondent vide proceedings Na.Ka.No.6342/G2/2017 dated 23.11.2017 based on the order passed by this Hon'ble Court in W.P.Nos.14334 to 14340 of 2017 dated 29.06.2017 and by considering the representation dated 29.11.2017 of the petitioner and give all consequential benefits.

Writ Petition No.2934 of 2018 filed under Article 226 of The Constitution of India seeking for issuance of Writ of Mandamus, to direct the 1st and 2nd respondent to approve and regularise the petitioner's appointment as Laboratory Assistant in the 3rd respondent College in the sanctioned vacancy caused by the promotion of Mrs.R.Jayalakshmi w.e.f. the initial date of appointment i.e., 18.02.2008 to 11.06.2009 in the light of approval given by the 1st respondent to the similarly placed persons like Mr.P.Venkateswawran & 7 others were appointed on 19.12.2007 in Thevangur Arts College, Aruppukottai their appointment also approved by the 1st respondent vide proceedings Mu.Mu.No.67939/G2/14 dated 29.05.2014 and Mr.V.Muthuraman & 6 others were appointed in N.M.S.S. Vellaisamy Nadar College, Madurai their appointment also approved by the 1st respondent vide proceedings Na.Ka.No.6342/G2/2017 dated 23.11.2017 based on the order passed by this Hon'ble Court in W.P.Nos.14334 to 14340 of 2017 dated 29.06.2017 and by considering the representation dated 29.11.2017 of the petitioner and give all consequential benefits.

For Petitioner : Ms.A.V.Bharathi
in both WPs
For R1 and R2 : Mrs.P.Rajalakshmi, AGP
in both WPs

C O M M O N O R D E R

These Writ Petitions have been filed seeking issuance of Writ of Mandamus to direct the respondents 1 and 2 herein to approve and regularize the petitioners' appointment as Library Assistant and Laboratory Assistant respectively in the 3rd respondent's College with monetary and all other benefits based on the representation given by them on 29.11.2017.

2.Heard the learned counsel appearing for both sides and perused the materials placed on record.

3.It is an admitted case that both D.Suresh Rajakumar and P.Karuppasamy were granted the order of approval w.e.f.12.06.2009. But, they have a grievance that their order of approval should be from the date of initial appointment i.e., on 02.01.2008 and 18.02.2008. The order of appointment of both D.Suresh Rajakumar dated 17.12.2017 and P.Karuppasamy dated 15.02.2008 of the 3rd respondent shows that both petitioners were appointed only in the sanctioned post. Even the proposal submitted by the 3rd respondent also shows that they were appointed only in the sanctioned post. More particularly, D.Suresh Rajakumar was appointed in the place of R.Kumaresan, who was given promotion from the post of Laboratory Assistant on 14.03.2001 and P.Karuppasamy was appointed in the place of R.Jayalakshmi, who was given promotion from the post of Junior Assistant on 01.09.2005.

4.This Court, hardly finds no reason in the order granting approval, as to how they were restricted the order of approval. In the result, both the petitioners have suffered loss of salary. Therefore, this Court finds no merit on the respondent restricting the benefit of approval only from the aforementioned dates, namely, 12.06.2009. Hence, the respondents are directed to approve the remaining period from 02.01.2008 to 11.06.2009 in favour of D.Suresh Rajakumar and 18.02.2008 to 11.06.2009 in favour of P.Karuppasamy.

5.A cursory perusal of the proceedings dated 15.05.2007, shows that the 1st respondent has accorded sanction. When the petitioners were appointed from 02.01.2008 to 11.06.2009 and 18.02.2008 to 11.06.2009 in the sanctioned post, the respondents cannot simply accord approval from someother date. Therefore, the limited approval granted is not acceptable by this Court. It is needles to mention for the release of their salary for the said period be done within a period of four weeks from the date of receipt of a copy of this order.

The Writ Petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1.The Director of Collegiate Education,
College Road, Chennai-6.

2.The Joint Director of Collegiate Education,
Madurai Region, Madurai.

3.The Secretary,
The Standard Fireworks Rajaratnam College for Women,
Sivakasi.

+ 2 ccs to Mr. C.K. Rose Radhi Jijo, 10785, 10784
+ 1 cc to Government Pleader Sr.12202

W.P.Nos.2933 & 2934 of 2018

(CS-III)
EU(23/02/2018)