

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.10.2018
Coram

The Hon'ble Mr. Justice Satrugana Pujahari

Writ Petition Nos. 27572, 27577, 27585,
27597, 27605 and 27611 of 2018
and
W.M.P. Nos. 32100, 32139, 32131,
32112, 32122 and 32163 of 2018

D. BRUNTHA PETITIONER IN W.P.NO. 27572 OF 2018
K. KASTURI PETITIONER IN W.P.NO. 27577 OF 2018
K. MADHESWARAN PETITIONER IN W.P.NO. 27585 OF 2018
K. SHANMUGAM PETITIONER IN W.P.NO. 27597 OF 2018
P. SIVAGAMI PETITIONER IN W.P.NO. 27605 OF 2018
V. VADIVEL PETITIONER IN W.P.NO. 27611 OF 2018

Vs.

1. The State of Tamil Nadu,
rep. by its Principal Secretary,
Higher Education (B2) Department,
Fort St. George, Chennai - 600 009.
2. The Director of Sugar Mills,
No. 690, Anna Salai,
Nandanam, Chennai - 600 035.
3. The Commissioner of Technical Education,
Vadapalani,
Chennai - 600 025.
4. Dharmapuri District Cooperative Sugar
Mills Private Limited,
rep. by its President,
Palakode - 636 808.
5. The Principal,
Dharmapuri District Cooperative Sugar
Mills Polytechnic College,
Now Government Polytechnic College,
Palakode - 636 808. Respondents in all W.Ps

Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondents to absorb the petitioner in service as Lecturer Lab Assistant (Skilled), Workshop Instructor respectively of the Dharmapuri District Cooperative Sugar Mills Polytechnic College, converted as Government Polytechnic College, vide G.O.(Ms.)No.26 Tamil Nadu, dated 30.01.2018 Department of Higher Education (B2) Tamil Nadu.

For Petitioner : Mr.M. Kaviveerappan(in all W.Ps)

For Respondents 1-3 : Mrs.P.Kavitha (in all W.Ps)
Government Advocate

COMMON O R D E R

Heard, Mr.M.Kaviveerappan, learned counsel appearing for petitioners and Mrs.P.Kavitha, learned Government Advocate, who accepts notice on behalf of respondents 1 to 3. Considering the fact that the petitioners grievance is directed against the third respondent, this Court, therefore, is of the view, notice to the other respondents, viz., respondents 4 and 5 is not essential for disposal of the Writ Petitions.

2. Since the issue involved in all these six Writ Petitions are identical in nature, they have been taken up together and disposed of vide this common order. However, for the sake of brevity and conciseness, W.P.No.27572 of 2018 is taken up as a lead case and it would suffice to refer to the facts stated therein as the facts in the other cases are identical.

3. The case of the petitioner is that, she was working as a Lecturer in a Private Polytechnic College, established by Dharmapuri District Co-operative Sugar Mills Ltd. The College was governed by the fifth respondent. However, the College was later on taken over by the Government. After such transformation, the services of those persons, who were working in the erstwhile College were also regularized and was absorbed in fifth respondent/College. The grievance of the petitioner is that though she has been rendering service since 2007, and hence, her service is required to be regularized, for which, all the formalities have been completed, but, no order with regard to such regularization has been passed. Now, all on a sudden, her service is going to be dispensed with by appointing another temporary employees. Feeling aggrieved, the petitioner is stated to have made a representation to the respondents. Since she has not been favoured with any reply, she has come to file this Writ Petition seeking a direction to the respondents to regularize her service.

4. During the course of hearing on admission, the learned counsel appearing for the petitioners submits that though the petitioners have sought for the aforesaid larger relief, now they want to confine their prayer for disposal of their representations in a time bound manner and till such time, to protect their service.

5. The learned Government Advocate, who accepts notice on behalf of respondents 1 to 3 submits that the respondents 1 to 3 shall have no objection to consider such representations of the petitioners, if the same is pending, but, in accordance with law. However, learned Government Advocate submits that without ascertaining the fact whether the petitioners are in service, no order protecting their service be given.

6. Thus, after hearing the learned counsel appearing for the parties and going through the materials available on record, this Court, therefore, dispose of all these six Writ Petitions at the stage of admission without seeking reply affidavit, with a direction to the third respondent to take an informed and considered decision on the representations of the petitioners within a period of four weeks from the date of receipt of copy of this order, or within a month hence, whichever is earlier, but, till then, if the petitioners are continuing in service, they shall not be replaced by any other set of employees. However, it is made clear this Court has expressed no opinion on the merit of such representations of the petitioners, and as such, there is no fetter on the third respondent to take a decision on such representations, in the manner, it deem fit and proper, but, in accordance with law. No costs. Consequently, connected Writ Miscellaneous Petition are closed.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

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To

1. The Principal Secretary,
State of Tamil Nadu,
Higher Education (B2) Department,
Fort St. George, Chennai - 600 009.

2. The Director of Sugar Mills,
No.690, Anna Salai,
Nandanam, Chennai - 600 035.

3. The Commissioner of Technical Education,
Vadapalani,
Chennai - 600 025.

4. The President
Dharmapuri District Cooperative Sugar
Mills Private Limited,
Palakode - 636 808.

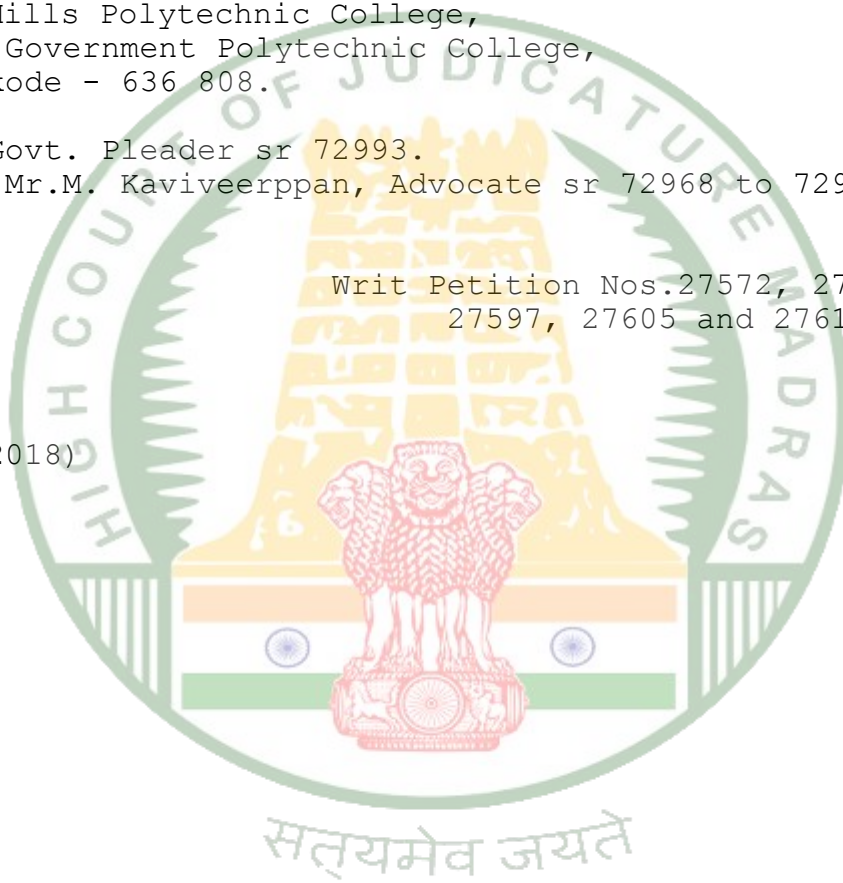
5. The Principal,
Dharmapuri District Cooperative Sugar
Mills Polytechnic College,
Now Government Polytechnic College,
Palakode - 636 808.

+1 CC to Govt. Pleader sr 72993.

+6 Ccs to Mr.M. Kaviveerppan, Advocate sr 72968 to 72973.

Writ Petition Nos.27572, 27577, 27585,
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KJI (CO)
SP(08/11/2018)



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