

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE Ms.JUSTICE P.T.ASHA

Writ Appeal No.158 of 2018

Dr.Ramanand Yadav ...Appellant/Petitioner

-Vs-

1.The Union of India
Rep. by the Secretary to Government
Ministry of Shipping, New Delhi-1

2.Indian Maritime University
Represented by its Registrar
East Coast Road, Uthandi, Chennai-600 119

3.The Dean
School of Maritime Management
Indian Maritime University, Chennai Campus
East Coast Road, Uthandi
Chennai-600 119

...Respondents/Respondents

Prayer:- Writ Appeal filed Under Clause 15 of Letters Patent,
against the order passed by this court dated 13.11.2017 in
W.P.No.28872 of 2017.

WP.No.28872 of 2017:filed under Article 226 of the Constitution
of India praying to issue a Writ of Certiorarified Mandamus,
calling for the records of the 2nd Respondent comprising of the
letter dated 05.08.2013 vide Endorsement No.IMU/ EST/ HQ/
STAFF/ 01/ FACUL/ MGT/ APool/ 2012 dated 07.08.2013 and quash
the same as unconstitutional illegal arbitrary and ultra
vires the provisions of the Indian Maritime University Act and
consequently direct the 2nd respondent to permit the
petitioner to work as an Assistant Professor in the Faculty of
management of the University with all the attendant benefits.

For Appellant : Ms.E.N.Hareepriya for
Mr.Thriyambak J.Kannan.

For Respondents : Mr.J.Madhana Gopal Rao,
SPC for R1
Mr.K.R.Tamizhmani for R2
Not Ready notice

J U D G M E N T

(Judgment of the Court was made by K.K.SASIDHARAN,J.)

This is a very strange case of an erstwhile employee of Indian Maritime University resigning from the University consequent to his appointment as Labour Enforcement Officer under the Labour Department, Government of India and two years after rendering service, making a claim for reinstatement as an employee of the University.

2. The appellant was initially appointed as a Lecturer in the Indian Maritime University by proceedings dated 28.01.2009. He was subsequently appointed as Assistant Professor. The appointment was cancelled by proceedings dated 05.08.2013. The order dated 05.08.2013 was challenged in W.P.No.26069 of 2013. The Writ Petition was ultimately dismissed as withdrawn.

3. The appellant was appointed as Labour Enforcement Officer (Central) by Memorandum dated 25.08.2015. The appellant therefore, submitted his resignation to the Indian Maritime University. The appellant was relieved from the Indian Maritime University and thereafter, he joined the Central Government Service. He was initially posted at Jabalpur and thereafter, he was placed in the Office of Deputy Chief Labour Commissioner (Central) by proceedings dated 02.11.2015.

4. The appellant long after his appointment in the Labour Department submitted a representation to cancel his resignation and to reinstate him in the post of Assistant Professor in the Indian Maritime University. The University rejected the said request and the same resulted in filing the Writ Petition in W.P.No.28872 of 2017.

5. Absolutely, there is no merit in the contention taken by the appellant for the simple reason that his resignation has nothing to do with the earlier writ petition in W.P.No.26069 of 2014. The appellant resigned from the Indian Maritime University and got him relieved. Thereafter, he joined the Central Government Service. The appellant was an employee of the Labour Department for a period of about two years. It was

only after his transfer to Chennai, the appellant made a claim for reinstatement in the University. There is no question of his reinstatement in view of his resignation and the acceptance of the same by the Management. We are therefore, of the view that the learned Single Judge was justified in dismissing the Writ Petition.

6. The intra court appeal is dismissed. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nvsri

To

- 1.The Secretary to Government
Ministry of Shipping, Union of India
Ministry of Shipping
New Delhi-1
- 2.The Registrar, Indian Maritime University
East Coast Road, Uthandi
Chennai-600 119
- 3.The Dean
School of Maritime Management
Indian Maritime University, Chennai Campus
East Coast Road, Uthandi
Chennai-600 119
New Delhi-1

+1 cc to Mr.Thriyabak J.Kannan Advocate sr65354

सत्यमेव जयते

W.A.No.158 of 2018

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