

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 26.06.2019

Coram

The Hon'ble Mr.Justice V.PARTHIBAN

W.P.No.17526 of 2019
and

W.M.P.Nos. 17004 and 17005 of 2019

Dr.C.M.Karrunakaran

...Petitioner

Vs.

1. The Registrar,
Anna University,
Chennai - 600 025.

2. Shree Motilal Kanhaiyalal Fomra
Institute of Technology,
Rep by its Principal
Old Mahabalipuram Road,
Thaiyur, Near Kelambakkam,
Chennai - 603 103.

...Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus, calling for records culminated in the second respondent's impugned relieving order dated 30.01.2013, and quash the same as illegal, and consequently, direct the second respondent to reinstate the petitioner with back wages, continuity of service and all other attendant benefits w.e.f. 01.02.2013.

For Petitioner .. Mr.R.Prabhakaran

For Respondents .. Mr.L.P.Shanmuga Sundaran,
Spl.G.P. (for R.1)

ORDER

The present writ petition has been filed challenging the relieving order, dated 30.01.2013, relieving the petitioner from service from the department of Biomedical Engineering of the second respondent College/Shree Motilal Kanhaiyalal Fomra Institute of Technology. According to the writ petitioner, he was appointed as a Professor and Head, Department of Biomedical

Engineering, at the second respondent College, vide appointment letter dated 09.06.2011 and he joined the post on 10.06.2011.

2. According to the petitioner, due to some differences developed with the Management of the Institution, he was forced to sign few papers and he was relieved from the post in an illegal manner, on 30.01.2013. According to him, he had not submitted any resignation as made out by the Management in the relieving order dated 30.01.2013, as it was not given on his own volition.

3. It appears that the petitioner had approached the authority under the Tamil Nadu Shops and Establishments Act, in 2016, but the appeal petition was returned stating that the Educational Institutions were exempted from the Act. Therefore, the petitioner is before this Court with the present writ petition.

4. From the above narrative, it is very clear that the relieving order was issued on the basis of resignation letter said to have been given on 23.11.2012. The relieving order itself was dated 30.01.2013. This Court is unable to appreciate as to why it has taken so much time for the petitioner to approach this Court so casually in 2019.

5. The learned counsel for the petitioner would submit that the petitioner had approached the wrong authority under the provisions of the Tamil Nadu Shops and Establishments Act and when the papers were returned on 29.11.2016, the petitioner was properly advised and he approached this Court.

6. The above explanation is hardly convincing and also hardly carry conviction with this Court. The relieving order was passed in January 2013 and the first attempt to have his grievance redressed legally was made only in 2016, as per the petitioner's own averments in the affidavit. Even assuming that the petitioner was pursuing a wrong remedy, nevertheless, the fact of the matter was that the papers were returned by the Deputy Commissioner of Labour on 29.11.2016 and thereafter, it has taken almost 3 years for this petitioner to approach this Court. The sheer passage of time of more than six years from the date of relieving order would show that the petitioner's challenge to the relieving order lacks bona fides and he is only attempting to revive an old issue which was long settled and attained finality. Any attempt to revive such stale claim would not serve any purpose and in any case, whether the petitioner has voluntarily retired or not will fall entirely within the factual realm of dispute as between the petitioner and the second respondent Institution. Therefore, this Court cannot

embark upon the factual enquiry in its writ jurisdiction under Article 226 of the Constitution of India.

7. For the above said reasons, this Court feels that the writ petition is not only lacks bona fides, but the same is also not maintainable. Therefore, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

The Registrar,
Anna University,
Chennai - 600 025.

+1cc to Mr.L.P.Shanmugasundaram, Advocate Sr.53578

+1cc to the Special Government Pleader Sr.53976

W.P.No. 17526 of 2019

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srg 02/08/2019

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