

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.10.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.19649, 19650 & 19651 of 2019

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W.M.P.Nos.19176 & 19178 of 2019

1. R.Muniappan @ R.Mouniappane ..Petitioner in WP/19649/19
2. Mrs.Ezhilarasi ..Petitioner in WP/19650/19
3. Mrs.Punitha ..Petitioner in WP/19651/19

vs

1.Union of India
Rep. by the Secretary to the Government
Ministry of Human Resource Development
New Delhi

2.The Secretary to Government
Department of Revenue
Government of Pondicherry
Pondicherry

3.The Vice Chancellor
Pondicherry University
Kalapet
Pondicherry 605 014

4.The Registrar
Pondicherry University
Kalapet
Pondicherry 605 014

.. Respondents in all WPs

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to absorb and appoint the petitioner based on the qualification of the petitioner either in Group 'C'

or 'D' appropriate posts in the third respondent University/Pondicherry University in the existing and future vacancies in view of the lands acquired from the petitioner's family for the establishment of Pondicherry University and also on considering the Minutes of the Meeting dated 18.05.1989 and 12.12.2017.

For Petitioner : Mr.Usha Ramman

For Respondent 1 : Mr.S.S.Panjani Radjan
(CGSC)

For Respondent 2 : Mr.A.V.Ramalingam
Additional Government Pleader

For Respondents 3 & 4: Mrs.N.Mala
Additional Government Pleader

C O M M O N O R D E R

The prayer sought for in these Writ Petition is to direct the respondents to absorb and appoint the petitioners based on the qualification of the petitioners either in Group 'C' or 'D' appropriate posts in the third respondent University/Pondicherry University in the existing and future vacancies in view of the lands acquired from the petitioner's family for the establishment of Pondicherry University and also on considering the Minutes of the Meeting dated 18.05.1989 and 12.12.2017.

2. It is the case of the petitioners that their lands were acquired by the Government of Pondicherry, Directorate of School Education, Central University, for establishment of the University in 780 acres. The petitioners' lands were acquired vide Award No.1/86 dated 28.02.1986 and allotted for the establishment of the Pondicherry University in Pillaichavady Revenue Village. On 18.05.1989 at 5.00 P.M. a meeting was conducted and the minutes were recorded in the presence of the Hon'ble Chief Minister regarding provision for employment opportunity to the members of the families whose lands were acquired for the establishment of University at Pillaichavady, Kalapet, Pondicherry. In the minutes the Hon'ble Chief Minister participated along with the Secretary, Revenue and Chief Secretary to the Government, wherein in Phase II it has been unanimously agreed to offer employment to the affected families in the University, particularly in Group 'C' and 'D' category to the extent that were available and in accordance with the requirements of basic educational qualification.

3. It is the further case of the petitioners that though some of the land losers have got employment, however, the

petitioners have not been considered for employment till date. Thereafter, the petitioners made several representations in the years 2002, 2010 and 2017 respectively for absorption in the regular vacancy. However, till date their representations were not considered. Hence, these present Writ Petitions have been filed.

4. The learned counsel appearing for the petitioners would submit that though there is no scheme available for providing the employment in the Group 'C' and 'D' posts, however, the Hon'ble Chief Minister as well as Secretary conducted meeting in order to provide employment to the land losers in Group 'C' and 'D' posts in the University. After several representations made by the petitioners, the University has directed the petitioners to apply for the specific post if any notification is made. However, till date the petitioners' grievances were not settled. He would further submit that as on date 782 posts are available in the University and the employment to the petitioners under land losers category was not considered. Hence, the learned counsel for the petitioners prayed this Court to direct the respondents to appoint the petitioners in Group 'C' or 'D' posts by allowing these Writ Petitions.

5. Mrs.N.Mala, learned Additional Government Pleader appearing for the respondent University would submit that as on date no scheme was framed to provide employment under Group 'C' and 'D' posts. She would produce the details prepared by the University, wherein, it is stated that the UGC stipulation for Teaching and Non-Teaching posts is in the ratio of 1:1.1. But the Pondicherry University has exceeded this ratio and presently it is 1:1.5 - 1:1.6. Accordingly, the University has taken decision on land affected issues as this is an old issue, this cannot go on forever and so matter was treated as closed on 28.04.2018. Therefore, the request for job under Land Affected Category will not be entertained with effect from 28.04.2018 by the Pondicherry University. She would further contend that the petitioners are not in-service candidates, hence, the absorption in the regular service does not arise. Therefore, learned Additional Government Pleader sought for the dismissal of these Writ Petitions.

6. Heard the parties and perused the papers.

7. A perusal of the records would reveal that the lands were acquired from the petitioners and the award was passed in the year 1986. However, the grievances of the petitioners were not settled as per the minutes of meeting dated 18.05.1989, conducted by the Hon'ble Chief Minister as well as the Secretary to the Government for getting job opportunity from the University. It is also seen that the Pondicherry University has

closed the issue and decided that job under Land Affected Category will not be entertained with effect from 28.04.2018 by them.

8. Accordingly, the Writ Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are also closed. However, liberty granted to the petitioners to workout the remedy in a manner known to law.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to the Government,
Union of India,
Ministry of Human Resource Development,
New Delhi.

2.The Secretary to Government,
Department of Revenue,
Government of Pondicherry,
Pondicherry.

3.The Vice Chancellor,
Pondicherry University,
Kalapet,
Pondicherry 605 014.

4.The Registrar,
Pondicherry University,
Kalapet,
Pondicherry 605 014.

+1cc to M/s.N.Malar, Advocate Sr.87282

+3cc to M/s.Usharamman, Advocate SR.87157, 87158, 87159

W.P.Nos. 19649, 19650 &
19651 of 2019 &
W.M.P.Nos.19176 &
19178 of 2019

BS (CO)
srg 11/12/2019