

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.29555 of 2019

&

WMP.Nos.29433 & 29434 of 2019

1.SC.Radhakrishnan
2.V.Ravikumar
3.A.Krishnakumar
4.A.Kavitha
5.C.Sujirampriya
6.S.Milee

.. Petitioners

Vs.

1.The State of Tamil Nadu,
rep. by its Principal Secretary to Government,
Higher Education Department,
Secretariat,
Chennai-600 009

2.The Periyar University,
rep. by its Registrar,
Periyar Palkalai Nagar,
Salem-636 011

3.The Finance Committee,
rep. by its Secretary,
Periyar University,
Periyar Palkalai Nagar,
Salem-636 011

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to regularize the services of the petitioners in the second respondent University based on the report of the second respondent dated 14.03.2018, 29.09.2018 and 21.06.2019 respectively within the stipulated time.

For Petitioner .. Mr.M.R.Jothimanian
For Respondents.. Mr.V.Kadirvelu,Spl.G.P. for R1
Mr.P.Gadson Swaminathan for R2 & 3

ORDER

This writ petition has been filed seeking for issuance of a Mandamus to direct the respondents to regularize the services of the petitioners in the second respondent University based on the report of the second respondent dated 14.03.2018, 29.09.2018 and 21.06.2019 respectively within the stipulated time.

2. According to the petitioners, they were appointed as Junior Assistants and Computer Operators in the year 2001 on consolidated pay basis. On 21.09.2012, the Syndicate of the second respondent University has decided to regularise the employees who were working more than on temporary basis and consequently, an Establishment Committee was also constituted. The said Committee after scrutinizing the educational qualifications of the petitioners, has recommended to regularise the services of the petitioners and placed the same before the Syndicate on 23.04.2013 for implementation. Thereafter, the second respondent has requested the first respondent to grant permission for regularisation of the services of the petitioners vide letter dated 16.08.2017. Thereafter, there was no progress in the matter and the services of the petitioners were not regularised despite the decision taken by the Syndicate. Therefore, the petitioners made representations on 24.08.2019 and 12.09.2019 seeking for regularization of their services. The grievance of the petitioners is that despite their representations the respondents have not taken any action, and therefore, the petitioners are before this Court.

3. The learned counsel appearing for the petitioners would submit that the petitioners have been working on consolidated pay for the past 19 years and despite the decision taken by the Syndicate to regularise the services of the petitioners based on the recommendation of the Expert Committee, the services of the petitioners have not been regularised. He would also submit that the petitioners have been longing for regularization of their services and made representations to the respondents, but no action is forthcoming from the respondents. Hence, he seeks a direction as prayed for.

4. Considering the facts and circumstances and the submissions made by the learned counsel for the petitioners and also in view of the fact that the petitioners have been working for the past more than 19 years, this Court directs the respondents to consider the representations dated 24.08.2019 and 12.09.2019 and pass appropriate orders in regard to regularization of services of the petitioners based on the report of the second respondent dated 14.03.2018, 29.09.2018 and 21.06.2019 in accordance with law within a period of twelve months from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (insp cell)

//True Copy//

Sub Assistant Registrar

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To

1. The State of Tamil Nadu,
rep. by its Principal Secretary to Government,
Higher Education Department,
Secretariat,
Chennai-600 009

2. The Periyar University,
rep. by its Registrar,
Periyar Palkalai Nagar,
Salem-636 011

3. The Secretary,
Finance Committee,
Periyar University,
Periyar Palkalai Nagar,
Salem-636 011

+1cc to Mr. Jothi raman, Advocate SR.No. 86677

+1cc to Mr. P. Gadson Swaminathan, Advocate SR.No. 56345

W.P.No.29555 of 2019

A.SK(18/10/2019)