

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No. 30266 of 2019
and
W.M.P. No. 30245 of 2019

1. PIPMATE WORKSHOP STAFF
ASSOCIATION PUDUCHERRY,
Represented by its President,
S. Balakrishnan,
Lab Assistant (Mech.),
Women's Polytechnic College,
Lawspet, Puducherry - 605 008.
2. N. Suresh ... Petitioners
- Vs.
1. Union of India,
Government of Puducherry,
By Secretary to Education,
Chief Secretariat, Puducherry.
2. Pondicherry Institute of Post Matric
Technical Education (PIPMATE),
By its Member Secretary-cum-Director
of Higher and Technical Education,
Lawspet, Puducherry - 605 008.
3. Pondicherry Institute of Post Matric
Technical Education (PIPMATE),
By its Chairman-cum-Secretary (Edn.),
Chief Secretariat, Puducherry. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents to pass order on our representation dated 12.09.2019, by placing our request for re-designating the post of Lab Assistant (Mechanical) as Workshop Instructor and to re-structure the post of Workshop Instructor/Lab Assistants as Foreman as recommended by the Honourable Education Minister vide his Note dated 13.06.2017, in the Governing Body and to consider the eligible Petitioners for appointment against the re-structured posts of Foreman.

For Petitioners : Mr. J. Srinivasa Mohan

For Respondents : Mr. Stalin Abhimanyu
Government Advocate (For Pondicherry)

O R D E R

This writ petition has been filed by the petitioners, seeking for issuance of a Writ of Mandamus, to direct the Respondents to consider the representation dated 12.09.2019 and pass appropriate orders therein, re-designating the post of Lab Assistant (Mechanical) as Workshop Instructor and to re-structure the post of Workshop Instructor/Lab Assistants as Foreman.

2. The First Petitioner is PIPMATE WORKSHOP STAFF ASSOCIATION PUDUCHERRY (Represented by its President) and the Second Respondent is a member of the First Respondent Association. The First Petitioner is espousing the cause of workshop staff who are working as Lab Assistants/Workshop Instructors in the Mechanical Engineering Department in Polytechnic College under the control of Pondicherry Institute of Post Matric Technical Education (in short PIPMATE) and they were appointed in the year 2000 as Lab Assistants/Workshop Instructors and they have been continue in the same post till date.

3. According to the Petitioners, PIPMATE created the post of Workshop Instructors, the staffs were named as Lab Assistants and the duties of Workshop Instructors are to instruct and guides the students and inculcate the technical skills and the duties of Lab Assistants are to assist the lecturers during their practical teaching.

4. The grievance of the Petitioners is that though PIPMATE has been treating both the posts of Lab Assistants and Workshop Instructors as one and the same, but till date no administrative order has been issued to that extent. While the implementation of recommendation of the VI pay, the AICTE has directed the PIPMATE, to treat the Workshop Superintendent on par with lecturer, but PIPMATE contrary to the above AICTE guidelines, has not filled the post of Foreman/Workshop Superintendent by promotion from among the Lab Assistants/Workshop Instructors but filled the post with lecturers who were involved in the theory teaching line. In such circumstances, the Petitioners made a representation on 12.09.2019 to the Respondents praying to re-designate the post of Lab Assistants (Mechanical) as Workshop Instructors and to re-structure the post of Lab Assistants (Mechanical)/Workshop Instructors as Foreman and also to promote the eligible incumbents.

5. In this regard, they also made a representation to the Honourable Minister for Education, who also considered the request of the Petitioners and recommended their case and directed the PIPMATE vide note dated 13.06.2017 to consider and pass appropriate orders. Despite the same, since no action is forthcoming from the Respondents, the Petitioners are before this Court.

6. Mr. J. Srinivasa Mohan, learned counsel appearing for the Petitioners while reiterating the averments made in the writ petition would submit that the grievance of the writ Petitioners has been ventilated in the representation dated 12.09.2019 has been redressed by the Respondents. He would also submit that in this regard the Honourable Minister for Education also recommended their case and even then also, no action has been taken by the Respondents and no orders were passed so far, and therefore, the learned counsel would implore this Court that it would suffice to direct the Respondents to consider the representation dated 12.09.2019 made by the Petitioners and to pass appropriate orders therein.

7. Mr. Stalin Abhimanyu, learned counsel appearing for the Respondents would submitted that the Second Respondent has not made any representation, but the First Respondent alone has made representation and if a direction is given to the Respondents by this Court, the same would be complied with and pass orders in accordance with law.

8. Considering the limited prayer made by the learned counsel appearing for the Petitioners and in view of the fact that the representation made by the First Petitioner has been pending, the Respondents are directed to consider the representation dated 12.09.2019 made by the First Petitioner and pass appropriate orders in accordance with law and on merits within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

To

1. The Secretary,
Government of India (Puducherry Government),
By Secretary to Education,
Chief Secretariat, Puducherry.
2. The Member Secretary-cum-Director
of Higher and Technical Education,
Pondicherry Institute of Post Matric
Technical Education (PIPMATE),
Lawspet, Puducherry - 605 008.
3. The Chairman-cum-Secretary (Edn.),
Pondicherry Institute of Post Matric
Technical Education (PIPMATE),
Chief Secretariat, Puducherry.

+1 CC to The Public Prosecutor (Pondicherry)

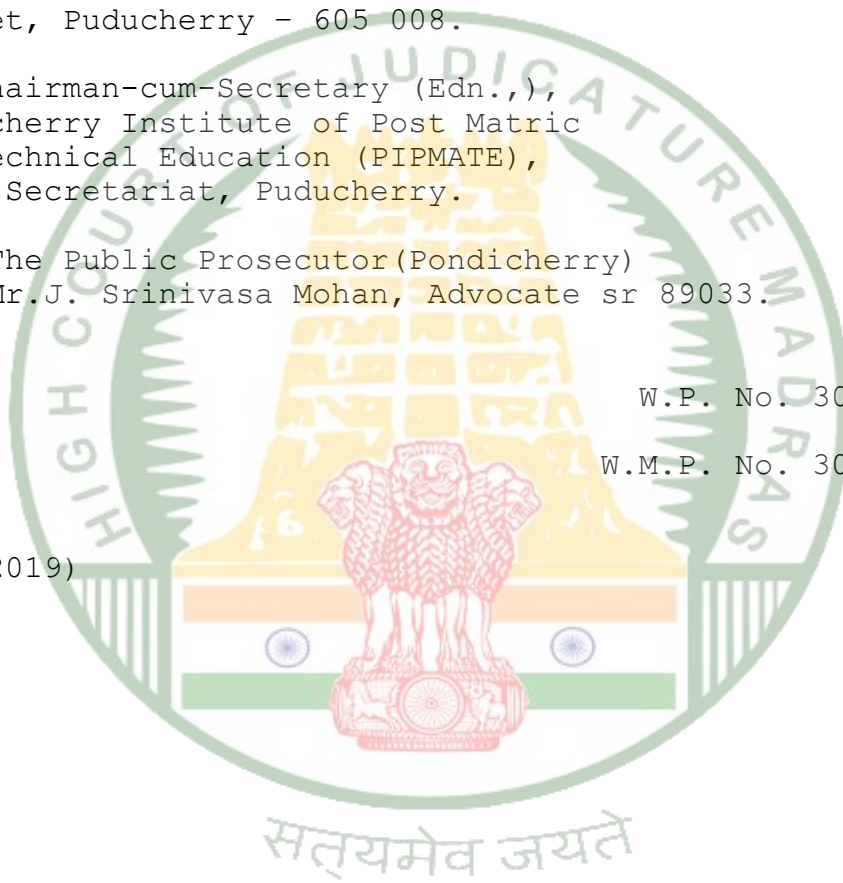
+1 CC to Mr. J. Srinivasa Mohan, Advocate sr 89033.

W.P. No. 30266 of 2019

and

W.M.P. No. 30245 of 2019

SVI (CO)
SP (03/12/2019)



WEB COPY