

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.30294 of 2019 and
W.M.P.No.30272 of 2019

1.D.Sivakumar
2.A.Chinnaraju
3.P.Elumalai
4.N.Senthil
5.P.Uma
6.P.Arumugam
7.G.Mohana Radha

... Petitioners

Vs.

1.The State of Tamil Nadu
rep. by its Principal Secretary to Government,
Higher Education Department,
Secretariat, Fort St.George, Chennai - 600 009
2.The Registrar,
Periyar University,
Periya Palkalai Nagar,
Salem 636 011

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pass orders for regularization of services of the petitioners with time scale of pay as per the decision taken by the Syndicate Meetings dated 23.04.2013 followed by the several number of decisions including the last decision taken by the Syndicate of the University held on 29.09.2018 and 27.02.2019 by considering the representation submitted by the petitioners dated 05.08.2017 with consequential and other attendant benefits within a time frame to be fixed by this Court.

For Petitioners : Mr.G.Sankaran

For R1 : Mr.V.Kadhirvelu,
Special Government Pleader (Edn.)

For R2 : Mr.P.Godson Swaminath

O R D E R

By consent of parties, this writ petition is taken up for final disposal at the admission stage itself.

2. According to the petitioners, they have been employed in the second respondent Periyar University as non teaching staff for almost 20 years, initially appointed on daily wages and subsequently brought into consolidated pay with effect from 2010. In this regard the petitioners submitted representation seeking to grant regular time scale of pay as per the decision already taken by the Syndicate in its Meeting held on 02.07.2013. The University in the meantime also forwarded a proposal to the first respondent in its letter dated 16.06.2017 requesting for direction to implement the Syndicate Resolution to regularize the candidates who have completed 10 years of service as on 31.03.2013. But so far the second respondent University has not passed any orders for regularization of services of the petitioners working for 20 years on consolidated pay as on 01.07.2010 till date. In this regard, the petitioners also made representation dated 05.08.2017, but till date the same has not been considered 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 05.08.2017 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 petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1.The Principal Secretary to Government,
The State of Tamil Nadu
Higher Education Department,
Secretariat, Fort St.George, Chennai - 600 009

2.The Registrar,
Periyar University,
Periya Palkalai Nagar,
Salem 636 011

+1cc to Mr.G.Sankaran, Advocate SR.No.88960

+1cc to Mr.P.Godson Swaminath, Advocate SR.No.89462

W.P.No.30294 of 2019

BP (CO)
GMY (01/11/2019)

सत्यमेव जयते

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