



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD) No.19326 of 2019

WEB COPY

K.Palanimalai

... Petitioner

-Vs-

1.The Joint Director of Collegiate Education,
Madurai Region, Palam Station Road,
Madurai-625 002, Madurai District.

2.The Secretary,
Madurai Institute of Social Sciences,
9, Alagarkoil Road, Madurai-625 002.

3.Dr.(Capt) D.V.P. Raja

... Respondents

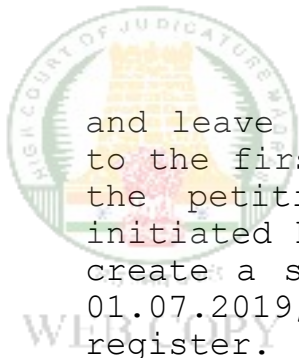
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to permit the petitioner herein to join duty forthwith as Watchman in the second respondent-college with salary and continuity of service 01.07.2019 onwards.

For Petitioner : Mr.E.V.N.Siva
For R1 : Mr.C.M.Mari Chellaiah Prabhu,
Additional Government Pleader.

ORDER

This Writ Petition is filed for a direction to the respondents to permit the petitioner to join duty forthwith as Watchman in the second respondent-college with salary and continuity of service 01.07.2019 onwards.

2.According to the petitioner, he was appointed as Watchman on 26.02.2001 in the second respondent college. The said appointment was approved by the first respondent. The petitioner was regularly attending the duty as Watchman, till the end of June, 2019. While so, the third respondent, who is the Secretary of the second respondent-college, has prevented the petitioner from signing the attendance register and not allowed him to discharge his duties. However, the petitioner was regularly attending the second respondent-college from 01.07.2019 onwards. Therefore, the petitioner has sent a representation to the first respondent to take appropriate action against the third respondent for continuation of his duty in the second respondent-college. However, no action was taken by the first respondent. While the petitioner was in the college campus at about 3.30 p.m., on 29.08.2019, the third respondent has compelled the petitioner to submit resignation letter



and leave the campus immediately. The said fact was also intimated to the first respondent, vide letter dated 29.08.2019. According to the petitioner, as on date, there was no disciplinary action initiated by the college committee against the petitioner. Only to create a situation that the petitioner is unauthorized absent from 01.07.2019, the petitioner was prevented from signing the attendance register. Earlier, the third respondent adopted the similar tactics by preventing another non-teaching staff by name M.Shajahan since 13.12.2017. Hence, he filed W.P.(MD)No.2570 of 2018 and this Court, by an order dated 23.02.2018, has directed the second respondent to permit the said M.Shajahan to join duty and prayed for allowing the Writ Petition.

3.Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the first respondent and perused the materials available on record carefully.

4.Though notice was served on the respondents 2 and 3 and their names were printed in the cause list, there was no representation for the respondents 2 and 3 on 04.10.2019. To give one more opportunity to them, the matter was posted today (14.10.2019). Today also, there is no representation for the respondents 2 and 3.

5.Considering the contention of the learned counsel appearing for the petitioner that without any reason, the third respondent has not allowed the petitioner to work and considering the nature of relief sought for, the respondents 2 and 3 are directed to permit the petitioner to attend work forthwith and pay salary from 01.07.2019 onwards.

6.With the above direction, this Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Joint Director of Collegiate Education,
Madurai Region, Palam Station Road,
Madurai-625 002, Madurai District.



2.The Secretary,
Madurai Institute of Social Sciences,
9, Alagarkoil Road, Madurai-625 002.

+1 CC to M/s.GP (SR-91934[F] dated 15/10/2019)

+1 CC to M/s.E.V.N.SIVA, Advocate (SR-92036[F] dated 15/10/2019)

W.P. (MD) No.19326 of 2019
14.10.2019

Myr
VB(25.10.2019) 3P 5C