



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) Nos.8185 & 4228 of 2020

and

W.M.P. (MD) Nos.7605 to 7607

WEB COPY

1) R.Satheesh Kumar

2) Dr.S.Gunasekaran

3) K.Rathikala ... Petitioners in W.P.(MD)
No.8185 of 2020

Ingarsal ... Petitioner in W.P.(MD)
No.4228 of 2020

Vs.

1) The Secretary,
The Ministry of Youth Affairs and Sports,
Department of Youth Affairs,
Shastri Bhawan,
New Delhi.

2) The Director General,
The Nehru Yuva Kendra Sangathan,
(An Autonomous body under Ministry of
Youth affairs and Sports, GOI),
Ground Floor, 4 Jeevan Deep Building,
Parliament Street, New Delhi 110 001

3) The Secretary,
The Ministry of Personnel, Public Grievances
and Pensions,
Department of Personnel and Training,
North Block, New Delhi.

4) The Director,
Information Development and Resource Agency (IDARA),
The Gandhigram Rural Institute - Deemed University,
Gandhigram 624 302
Dindigul District.



5) The Registrar,
Gandhigram Rural Institute - Deemed to be University,
Gandhigram-624 302
Dindigul District.

... Respondents in W.P.(MD)
No.8185 of 2020

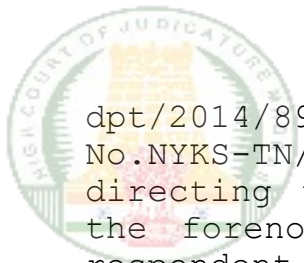
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- 1) The Secretary,
Department of Youth Affairs,
Ministry of Youth Affairs & Sports,
Shastri Bhawan,
New Delhi.
- 2) The Deputy Director (Personnel),
Ministry of Youth Affairs & Sports,
Government of India,
Nehru Yuva Kendra Sangathan,
4, Jeevan Deep Building, Ground Floor,
Parliament Street, Delhi 110 001
- 3) The State Director,
Ministry of Youth Affairs & Sports,
Office of the State Director,
Nehru Yuva Kendra Sangathan,
No.71, 2nd Main Road,
VGP Layout, Part-III,
Palavakkam, Chennai 600 041
- 4) The Registrar,
Information Development and Resource Agency,
Gandigram Rural Institute (deemed University),
Gandigram, Dindigul District 624 302.

... Respondents in W.P.(MD)
No.4228 of 2020

PRAYER in W.P.(MD) No.8185 of 2020: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Order passed by the 2nd respondent in proceedings Ref.No.11029/NYKS//PERS dycdpt/2014/894 dated 19.9.2019 and quash the same and consequently directing the respondents 1 and 2 to regularize the services of the petitioners working as Assistant/Lower Division Clerk with all monetary and attendant benefits under 2nd respondent as per the earlier orders of the 1st respondent vide his proceedings in Ref.No.F 5-4/2011-NYK dated 18.3.2014 from the date of initial date of appointment.

PRAYER in W.P.(MD) No.4228 of 2020: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to recall the relieving order passed by the 2nd respondent in Ref.No.11029/NYKS/PERS dyc



dpt/2014/894 dated 19.9.2019 and consequential order under File No.NYKS-TN/Deputation-Releaving/2019-20 dated 20.9.2019 as far as directing the petitioner to get relieved with immediate effect on the forenoon of 20th September, 2019 and further direct the 3rd respondent to allow the petitioner to continue his service as District Youth Coordinator in the 3rd respondent office in light of recommendation given by 4th respondent dated 25.10.2019 vide R&D/IDARA/2019/2020 and consequently direct the 1st and 2nd respondents to disburse the pending salary Rs.11,61,416/- for the year 2012 to 2014 and deputation allowances Rs.4,00,000/- and other allowance from 2014 to September 2019 by considering the petitioner representation dated 10.02.2020.

In W.P. (MD) No.8185 of 2020:

For Petitioners: Mr.S.Ramsundarvijayraj
For M/s.Veera Associates

For RR 1 to 3 : Mr.K.R.Laxman,
Senior Panel Counsel

For R-4 : No Appearance

For R-5 : Mr.P.Thangavel

In W.P. (MD) No.4228 of 2020:

For Petitioners: Mr.A.Arul Jenifer

For RR 1 to 3 : Mr.K.R.Laxman,
Senior Panel Counsel

C O M M O N O R D E R

Since the issue involved in both the writ petitions are one and the same, and as per the request made by the learned counsel appearing for the petitioners in both the cases, the writ petitions are heard together and disposed of by this common order.

2. When these writ petitions came up for hearing on 04.09.2020, this Court passed the following order:-

"The learned standing counsel for the Union of India appearing for the respondents 1 to 3 submitted that, there has been a notification dated 31.10.2008 issued by the Government of India, Ministry of Pension, Personnel, Public Grievance and Pensions in SO2580E, under which, certain statutory organisations, societies have also been listed, where the Central Administrative Tribunal Act 1985 (Act 13 of 1985) would apply to these Organisations, which means, from the date mentioned in



the said notification, the service disputes pertaining to these organizations mentioned in the notification, shall only be redressed at the first instance before the concerned Central Administrative Tribunal.

2. In the said notification, in S.No.151, Nehru Yuva Kendra Sangathan, which is an autonomous body under the Ministry of Youth Affairs and Sports, Government of India, also has been included. Therefore, it is a preliminary objection raised by the learned standing counsel that, the service dispute now raised in these writ petitions directly relates to Nehru Yuva Kendra Sangathan, as the order of repatriation passed by the Nehru Yuva Kendra, since has been impugned in these writ petitions, the jurisdiction to agitate the said issue is not before this Court at the first instance, whereas, it is before the Central Administrative Tribunal. Hence, for want of jurisdiction, the writ petitions have to be dismissed, he contended.

3. I find force in the said submissions made by the learned standing counsel for the respondents 1 to 3.

4. However, the learned counsel for the petitioners wants to get instructions in this regard and report before this Court. Hence, post these matters on 10.09.2020."

3. Accordingly, today, when the cases are taken up for hearing, the learned counsel appearing for the petitioners in both cases, on instructions, would submit that, they may be permitted to withdraw their writ petitions, with a liberty to file the same by way of Original Application before the Central Administrative Tribunal, Chennai Bench.

4. In view of the jurisdictional aspect, it has already been pointed out by this Court vide its order, dated 04.09.2020, the permission now sought for by the learned petitioners' counsel appearing in the respective cases, to withdraw the writ petitions, with the aforesaid liberty is granted. Accordingly, both the writ petitions are dismissed as withdrawn, with a liberty to the petitioners to file the same as Original Application before the Central Administrative Tribunal, Chennai Bench within a period of two weeks from the date of receipt of a copy of this order.

5. It is further made clear that, since the matters were pending before this Court for some time, the limitation period, if any, for approaching the Central Administrative Tribunal, Chennai Bench, can be excluded and whatever issue, the petitioners want to raise in these writ petitions, the same can be raised before the Central Administrative Tribunal, Chennai Bench.



6. Registry is directed to return all the original case papers to the respective learned counsel appearing for the petitioners with acknowledgement, after retaining the photo copies of the same for record purpose. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

+1 CC to M/s.Special Govt.Pleader (SR-15661[F] dated 02/09/2020)

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-16680[F] dated 11/09/2020)

Copy to:

The Section Officer, (2 Copies)
VR Section / Record
Madurai Bench of Madras High Court,
Madurai.

Common Order made in
W.P. (MD) Nos.8185 & 4228 of 2020

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SDS (18.09.2020) 5P-5C