



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.11.2020

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WEB COPY

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. (MD) No.16491 of 2020

M.Seenimurugan

...Petitioner

Vs

1.The Director of Collegiate Education,
College Road,
Chennai 600 006.

2.The Joint Director of Collegiate Education,
Madurai Region,
Madurai.

3.The Secretary,
Vivekananda College,
Madurai.

... Respondents

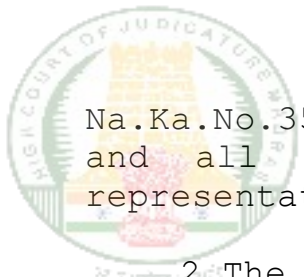
PRAYER: This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 and 2 herein to approve and regularize the petitioner's appointment as Director of Physical Education in the sanctioned retirement vacancy of Ramachandran with effect from 16.06.2008 to 18.04.2013 in the light of the approval given by the 1st respondent to the similarly placed person like N.Austin John Manohar in Na.Ka.No.35049/F2/2016, dated 27.07.2017 with monetary, service and all other benefits for the said period based on the representation dated 23.01.2019 given by the petitioner.

For Petitioner : Mr.S.Balamurugan

For R1 & R2 : Mr.M.Karuppasamy
Government Advocate

ORDER

This Writ Petition is filed to direct the respondents 1 and 2 to approve and regularize the petitioner's appointment as Director of Physical Education in the sanctioned retirement vacancy of one Ramachandran with effect from 16.06.2008 to 18.04.2013 in the light of the approval given by the 1st respondent to the similarly placed person like N.Austin John Manohar in



Na.Ka.No.35049/F2/2016, dated 27.07.2017 with monetary, service and all other benefits for the said period based on the representation dated 23.01.2019 given by the petitioner.

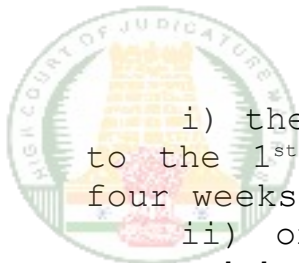
2.The learned counsel appearing for the petitioner would submit that the petitioner was originally appointed as Director of Physical Education in the 3rd respondent college, with effect from 16.06.2008 in the retirement vacancy of one Ramachandran. The said appointment was made by the Management of the 3rd respondent college in a sanctioned post and the petitioner was not paid with salary by the Management. Subsequently, the appointment of the petitioner was approved by the 2nd respondent, vide proceedings dated 01.08.2013 with effect from 19.04.2013, but not from the date of his appointment ie., 11.06.2008.

3.The learned counsel would further submit that the petitioner is working without salary from the date of his appointment to till the date of approval for the retirement vacancy arising out of a sanctioned post ie., from 16.06.2008 to 18.04.2013, whereas, the appointment of the petitioner was approved by the 2nd respondent, vide proceedings, dated 01.08.2013 only with effect from 19.04.2013, but not from the date of his appointment ie., 11.06.2008.

4.The learned counsel would further submit that the petitioner's service period ie., from 16.06.2008 to 18.04.2013 has to be approved by the respondents and that the petitioner has made a representation dated 23.01.2019 to the respondents and the same is pending till now without any progress. Hence, left with no other alternative, the petitioner is before this Court for the relief stated supra.

5.In reply, Mr.M.Karuppasamy, learned Government Advocate appearing for the respondents 1 and 2 would submit that the 3rd respondent has already sent a proposal with regard to the approval of the petitioner's appointment as Director of Physical Education in the 3rd respondent college with effect from 16.06.2008 to the respondents 1 and 2. He would further submit that the petitioner's representation dated 23.01.2019 will be disposed of on merits and in accordance with law, within a time frame to be fixed by this Court.

6.In view of the submissions made by the learned counsel either side and considering the facts and circumstances of the case that though the petitioner has made a representation dated 23.01.2019 to the respondents by explaining his grievances, no acknowledgement has been furnished before this Court, thus, this Court is inclined to pass the following directions:-



i) the petitioner is directed to submit a fresh representation to the 1st respondent to workout his remedy, within a period of four weeks from the date of receipt of a copy of this order;

ii) on receipt of such representation within a time period granted by this Court, the 1st respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, within a period of eight weeks therefrom; and

iii) the 3rd respondent is at liberty to send any report with regard to the proposal sent by him to the respondents 1 and 2, if he wants to send the same, within a period of four weeks from the date of receipt of a copy of this order;

7. With the above directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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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.

To:-

1. The Director of Collegiate Education,
College Road,
Chennai 600 006.

2. The Joint Director of Collegiate Education,
Madurai Region, Madurai.

+1 CC to Mr.S. BALAMURUGAN, Advocate (SR-22750[F] dated 24/11/2020)

+1 CC to SGP (SR-22992[F] dated 26/11/2020)

W.P. [MD] No.16491 of 2020
24.11.2020

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KM (22.12.2020) 3P 5C