



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

CORAM :

THE HON'BLE MR.A.P.SAHI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A. (MD) No.927 of 2018

against WMP (MD) No.10384 of 2018 in

WMP (MD) No.9881 of 2018

in

WP (MD) No.10776 of 2018

1.National Institute of Technology,
Tiruchirappalli,
Represented by its Registrar,
Thuvakudi,
Tiruchirappalli - 625 015.

2.Mrs.Mini Shaji Thomas,
Director,
National Institute of Technology,
Thuvakudi,
Tiruchirappalli - 620 015.

.. Appellants/Respondents

Vs

P.Dhanaseelan

.. Respondent/Writ Petitioner

PRAYER: Appeal under Clause 15 of the Letters Patent against the order dated 25.05.2018 passed in W.M.P.(MD) No.10384 of 2018 in W.M.P.(MD) No.9881 of 2018 in W.P. (MD) No.10776 of 2018 by the learned Single Judge.

PRAYER IN WMP (MD) No.10384 of 2018 in WP (MD) No.10776/2018:

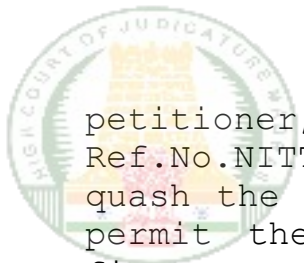
Petition praying that in the circumstances stated therein and the affidavit filed therewith the Court will be pleased to vacate the interim stay granted by this Honble Court on 09.05.2018 in WMP (MD) No.9881/2018 in WP (MD) 10776/2018 .

PRAYER IN WMP (MD) No. 9881/ 2018 IN WP (MD) No.10776/2018:

To stay the operation of the order passed by the first respondent in their office Ref.No.NITT/Estt./Unit-I/4-11/2018-19/76, dt.27.04.2018 pending disposal of the WP.

Prayer in WP (MD). 10776/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records culminating to the order of termination, terminating the temporary services of the



petitioner, passed by the first respondent in their office Ref.No.NITT/Estt./Unit-I/4-11/2018-19/76, dt.27.04.2018 and to quash the same and consequently to direct the first respondent to permit the petitioner to continue as Temporary Faculty in the first respondent institute in the Department of Architecture till the petitioner is replaced by the regularly appointed teaching faculty, in the Department of Architecture of the first respondent institute.

For Appellants : Mrs.J.Maria Roseline

For respondents : No appearance

JUDGMENT

[Judgment of the Court was delivered by
The Hon'ble Chief Justice]

Heard Mrs.J.Maria Roseline, learned Counsel for the appellants. In spite of the fact that the name of the respondent has been shown in the cause list, no one put in appearance.

2. This Writ Appeal has been filed against the interim order dated 25.05.2018, passed in W.M.P.(MD) No.10384 of 2018 in W.M.P. (MD) No.9881 of 2018 in W.P. (MD) No.10776 of 2018. The interim order was passed on a stay vacate application, filed by the appellants and while disposing of the same, the learned Single Judge, instead of disposing of the writ petition itself, disposed of only the interim application for vacating stay alone, by observing that the respondent shall be entitled to get one month salary from the appellants for the month of May, 2018. In our considered opinion, the said arrangement is also only an interim arrangement and no final order has been passed as the writ petition is still pending. Thus, any payment claimed by the respondent would be obviously subject to the outcome of the final result of the writ petition, which is pending.



3. Accordingly, we dispose of the Writ Appeal. The issue with regard to such payment of one month salary shall be considered while disposing of the writ petition itself by the learned Single Judge. The Appeal is accordingly consigned with the direction to the Registry to list the Writ Petition (MD).No.10776 of 2018, for final disposal before appropriate Bench, immediately after Dusshera holidays. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

sj/pkn

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.

Copy to

The Section Officer, Writ Section
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.J.MARIA ROSELINE, Advocate (SR-20622[F] dated 20/10/2020)

W.A.(MD) No.927 of 2018

16.10.2020

VR (CO)

KM (22.10.2020) 3P 3C