



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2021

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

**W.P. (MD)No.11938 of 2014 and
M.P. (MD)Nos.1 and 2 of 2014**

S.Ramakrishnan ... Petitioner

vs.

1.The Secretary to Government,
Department of Higher Education,
Secretariat, Chennai.

2.The Commissioner of Technical Education,
Directorate of Technical Education,
Guindy, Chennai - 600 025.

3.The Principal/Warden,
Government Polytechnic College Hostel,
Nagercoil-629 004,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to forbear the respondents from terminating the petitioner's services in the post of Accountant in the hostel of the third respondent polytechnic without following the due process of law.

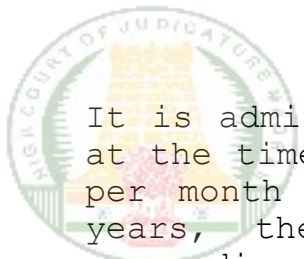
For Petitioner :Mr.S.C.Herold Singh
For Respondents :Mr.M.Linga Durai
Government Advocate

O R D E R

This Writ Petition is filed for issuance of a Writ of Mandamus, to forbear the respondents from terminating the petitioner's service in the post of Accountant in the hostel of the third respondent Polytechnic without following the due process of law.

2.Heard Mr.S.C.Herold Singh, learned Counsel appearing for the petitioner and Mr.M.Linga Durai, learned Counsel appearing for the respondents.

3.The petitioner states that he submitted an application for the post of Assistant in the third respondent Polytechnic in the year 1984 and that he was appointed as a part time Assistant in the hostel by a communication of the third respondent, dated 10.10.1984.



It is admitted by the petitioner that the salary of the petitioner at the time of appointment of the petitioner in service is Rs.120/- per month on consolidated pay. It is stated that after sixteen years, the petitioner's salary was slightly increased. By a proceedings, dated 01.06.2000, the petitioner was informed that his salary will be at Rs.200/- per month in the post of Accountant of the Community Polytechnic Scheme attached to the third respondent Polytechnic.

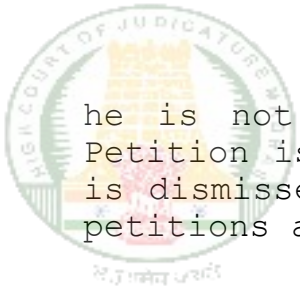
4.The petitioner has not produced any material to show that the petitioner's appointment was regularised. The petitioner filed earlier a Writ Petition in W.P.(MD)No.7347 of 2014 for issuance of a Writ of Mandamus, to direct the respondents to regularize the petitioner's service in the post of Accountant in the hostel by considering his representation, dated 03.06.2014. The said Writ Petition was allowed by an order, dated 28.04.2014, by issuing a direction to the respondents to consider the petitioner's representation for regularization of his service. Thereafter, the petitioner has come up with the present Writ Petition.

5.The respondents have filed a counter affidavit specifically stating that the petitioner did not report duty from 02.06.2014. It is further stated that the petitioner did not even hand over the accounts, which was maintained by him when he was working. As per the counter affidavit, a criminal case also has been lodged and it is pending for investigation.

6.The Writ Petition was filed on 21.07.2014, a few weeks after the petitioner deserted his job. The petitioner has not produced before this Court a scrap of paper to show that he was in service at the time when the Writ Petition was filed. The petitioner, in response to the specific averments made in the counter affidavit, has not filed any reply affidavit denying the averments. It is the case of the petitioner in the affidavit filed in support of the Writ Petition that the petitioner is prevented from signing the attendance register. To know the fact whether the petitioner was prevented or he did not report duty on his own, this Court is unable to find any material to show that the petitioner was attending work, when the Writ Petition was filed.

7.This Court is unable to entertain the Writ Petition when the prayer in the Writ Petition is not appropriate even at the time when the Writ Petition was filed. This Court find no merits in this Writ Petition and the Writ Petition appears to be one filed for other reasons with ill motive. This Court is unable to understand why the petitioner is really interested in getting an employment which only pays him Rs.200/- per month, which comes around Rs.7/- per day, which is not even sufficient to get a tea from a street vendor.

8.Accepting the stand taken by the third respondent in the
<https://hccsecreports.gov.in/secretaries/> that the petitioner did not come to work and that



he is not in service, this Court is of the view that the Writ Petition is liable to be dismissed. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

WEB COPY

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tmg/cmr

To

- 1.The Secretary to Government,
Department of Higher Education,
Secretariat, Chennai.
- 2.The Commissioner of Technical Education,
Directorate of Technical Education,
Guindy, Chennai - 600 025.
- 3.The Principal/Warden,
Government Polytechnic College Hostel,
Nagercoil-629 004,
Kanyakumari District.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-32385[F]
dated 25/10/2021)

+1 CC to M/s.SPL.GP (SR-32358[F] dated 25/10/2021)

Order made in
W.P.(MD)No.11938 of 2014
21.10.2021

NSN(CO)
GC/JC(15.11.2021) 3P 6C