



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.16054 of 2009
and
M.P.Nos.1 & 2 of 2009

Murugaiyan

...Petitioner

-Vs-

1. Union of India,
Rep. by its Chief Secretary,
The Government of Puducherry,
Secretariat, Pondicherry.
2. The Secretary to Government,
Education Department, Pondicherry.
3. The Director of School Education,
Directorate of School Education,
Pondicherry.
4. The Deputy Director,
Sports and Youth Services, Pondicherry.
5. The Warden,
Youth Hostel, Pondicherry.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 5th respondent in proceedings No.Youth/Appt/re/2009-10/2 dated 14.07.2009 pursuant to the proceedings Youth/Appt/re/2009-10 dated 03.07.2009, quash the same as illegal, incompetent and without jurisdiction and further direct the respondents to regularize the service of the petitioner.

For Petitioner : Mr.V.Raghavachari

For R1 to R4 : Mrs.G.Djearany,
Government Advocate (Pondicherry)

For R5 : No Appearance



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ORDER

The petitioner herein challenges the order of termination dated 14.07.2009, with a consequential direction for regularization of his services.

2. The third respondent herein had filed a counter affidavit, in which, it is stated that the petitioner was reinstated back into service with effect from 09.11.2009 and the back wages were also paid to him. As such, the grievance of the petitioner against the termination order, has been substantially met.

3. Insofar as the petitioner's request for regularization is concerned, this Court is of the view that such a decision requires to be taken by the concerned authorities and this Court may not be justified in stepping into the shoes of the respondents for the purpose of determining the factual aspects of the claim. Nevertheless, if the petitioner is granted liberty to give a representation to the concerned respondent, seeking for retrospective regularization, with a consequential direction to them to consider it within a stipulated time, the ends of justice could be secured.

4. In the light of the above observation, the petitioner is granted liberty to give a fresh representation ventilating his grievances in connection with his regularization and on receipt of the same, the fifth respondent shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of 12 weeks from the date of receipt of the representation.

5. As such, no interference is required to the impugned termination order and accordingly, the Writ Petition stands closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

Hvk

To

1. The Chief Secretary,
Union of India,
The Government of Puducherry,
Secretariat, Pondicherry.



2.The Secretary to Government,
Education Department, Pondicherry.

3.The Director of School Education,
Directorate of School Education,
Pondicherry.

4.The Deputy Director,
Sports and Youth Services,
Pondicherry.

5.The Warden,
Youth Hostel,
Pondicherry.

+1cc to Mr.V.Raghavachari, Advocate SR. No.13598

+1cc to Government Pleader (Puducherry) SR. No.13726

W.P.No.16054 of 2009
and
M.P.Nos.1 & 2 of 2009

NR (CO)
PR (14/03/2022)