



W.P.(MD)No.13066 of 2011

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.11.2022**

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.13066 of 2011

G.Vasantha

... Petitioner

Vs.

1. The Registrar
Tamil University,
Tanjore.

2. The Principal Secretary to Government,
Higher Education Department,
Government of Tamil Nadu,
Secretariat,
Chennai.

... Respondents

***(R2, suo motu impleaded, vide Court Order,
dated 29.11.2022 in W.P.(MD)No.13066 of 2011)***

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent herein to grant pension and other terminal benefits to the petitioner by taking into account the service rendered by her from 1985 to 2011.



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For Petitioner : Mr.V.Karthikeyan
for Mr.V.Vijay Shankar

For Respondent : Mr.R.Krishnamoorthy

ORDER

The writ petition is filed for Writ of Mandamus, directing the respondents to grant pension and other benefits to the petitioner by taking into account the service rendered by her from 1985 to 2011.

2. The brief facts as stated in the affidavit is that the petitioner based on her Educational qualification as M.A Tamil joined the respondent University as Complier on temporary basis on 17.01.1985. The respondent gave assurance to the petitioner that her service would be regularized at the earliest. The nature of work of the petitioner is to give meaning of the Tamil words and to find source which involves “research oriented work”. The petitioner submitted that nearly 16 persons who were appointed by the respondent, subsequent to the date of petitioner's



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appointment as Complier on consolidated bases were regularized after converting their post as Research Assistant in the year 1992. When the petitioner made such representation seeking reason for not regularizing, the petitioner was informed orally that since 16 persons were working on consolidated pay basis they were regularized. Once again, the respondent assured to regularize the petitioner's service. The respondent by proceedings, dated 01.06.1992 brought the petitioner and two others on consolidated pay fixing their salary as Rs.1000/- per month and subsequently increased periodically to Rs.3500/-. In the year 1996, the petitioner completed her Ph.D. In spite of the same, the petitioner was continuing in the same post on consolidated pay. The petitioner further submitted that there is no post of Complier in the Tanjore Tamil University, in such circumstances, a question arose as to the nature of work performed by the petitioner and other similarly placed persons as Complier. However, the syndicate by a resolution held that the post held by the petitioner was equivalent to Research Assistant. It was based on this recommendation, the petitioner was appointed as Lecturer/Assistant Professor on regular time scale of pay with effect from 25.06.2007.



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Thereafter, retired on 30.06.2011 without any retirement benefits. The respondent is denying to take the 26 years of past service. Aggrieved over the same, the present writ petition has been filed.

3. The main petition was taken up for hearing on 21.12.2011 and the same was allowed directing the Tamil University, Tanjore, to grant 50% of the petitioner's past service and grant pensionary benefits to the petitioner. Aggrieved over the same, the respondent has preferred an appeal in W.A.(MD)No.556 of 2012, dated 28.08.2012, wherein, it was submitted before the Division Bench that the Tamil University was not heard and it was represented by the Additional Government Pleader to take notice. Since the order was passed behind the back of the respondents, the Hon'ble Division Bench had held that without expressing any opinion on merits, remitted back to the learned Single Judge for fresh consideration. Based on this order, the writ petition is placed before this Court.

4. The writ petition is filed without impleading the



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Government as one of the party. Since the Government is granting aid, if any order is passed against the Government, again it will be passed behind the back of the government and will be hit by the principles of natural justice. Hence, this Court *Suo Motu* impleaded the Government, the Principal Secretary to Government, Higher Education Department, Government of Tamil Nadu, Secretariat, Chennai, as one of the party.

5. The claim of the petitioner is that for regularization of service, the petitioner and the similarly placed persons have raised query before the Registrar, Tamil University, that there was no post called Complier. From this, it is evident that the petitioner was appointed in an unsanctioned post. The petitioner and other 16 persons were similarly placed persons and they have worked in an unsanctioned post. Subsequently, the petitioner's service was regularized in time scale of pay with effect from 25.06.2007. Now the petitioner is claiming to regularize her service from the date of original appointment.

6. This Court is of the considered opinion that the Registrar,



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Tamil University has no power to regularize the service of the petitioner as well as the 16 such persons, since there was no post called Complier at all. Hence, the matter ought to be remitted back to the Government to consider the case of the petitioner and pass orders. The petitioner is at liberty to submit a fresh representation to the Government. The Government shall consider and pass orders within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With the above said direction, this Writ Petition is disposed of. No costs.

29.11.2022

Index : Yes / No
Internet : Yes / No
jbr



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To

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Tamil University,
Tanjore.
2. The Principal Secretary to Government,
Higher Education Department,
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S.SRIMATHY, J

jbr

Order made in
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29.11.2022