



WEB COPY



W.P.Nos.17175, 17179 & 17184 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2023

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. Nos.17175, 17179 & 17184 of 2020

Dr.Ramanand Yadav

...Petitioner in all W.P's.

/vs/

1. Indian Maritime University,
Represented by its Registrar,
East Coast Road, Uthandi
Chennai – 600 119.

2. Chief Labour Commissioner (Central)
Ministry of Labour and Employment,
Government of India,
Shram Shakti Bhawan,
New Delhi – 110 001.

3. Deputy Chief Labour Commissioner (Central),
Ministry of Labour and Employment,
Government of India,
Shastri Bhawan, Nungambakkam,
Haddows Road, Chennai – 600 006.

... Respondents in all W.P's.

Writ Petition in W.P.No.17175/2020 is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent to send the updated Service Book, Leave Records and LPC to the second respondent herein.



W.P.Nos.17175, 17179 & 17184 of 2020

Writ Petition in W.P.No.17184/2020 is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent to credit the employee and employer contribution to NPS account (No.110096713451).

Writ Petition in W.P.No.17179/2020 is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent for protection of pay based on the last pay drawn as per the relieving letter issued by the first respondent dated 07.10.2015.

For Petitioner	...	Mr.Thriyambak J.Kannan
(in all W.P's.)		
For Respondents	...	Mr.K.Srinivasamurthy for R1
(in all W.P's.)		Ms.Anuradha
		ACGSC for R2 and R3

COMMON ORDER

These Writ Petitions are filed to direct the first respondent to send the updated Service Book, Leave Records and LPC to the second respondent herein, to credit the employee and employer contribution to NPS account (No.110096713451) and to issue a writ of mandamus directing the first respondent for protection of pay based on the last pay drawn as per the relieving letter issued by the first respondent dated 07.10.2015.



2. The petitioner was temporarily appointed to the post of “Faculty

(General management)” in the first respondent University on 29.01.2009.

Thereafter he worked as Lecturer from 17.07.2008 to 25.01.2009 and by an appointment order dated 27.12.2012, the petitioner has been appointed as Assistant Professor. The first respondent has issued a relieving order dated 28.12.2012 to the petitioner and permitted him to join as Assistant Professor. The petitioner was placed under probation for 2 years with effect from 28.12.2012. Thereafter, on 05.08.2013, the petitioner received a letter dated 05.08.2013 cancelling his appointment as Assistant Professor. The cancellation order has been challenged by the petitioner by way of filing a Writ Petition in W.P.No.28872/2017 before this Court and the same was dismissed. Challenging the above order, an appeal has been preferred and it was also dismissed. The petitioner preferred a Special Leave Petition in S.L.P.No.459/2020 and the same was dismissed on 26.07.2022. With the order of the Hon'ble Supreme Court the position has made final that the petitioner has lost his permanent appointment and the proceedings filed by him challenging the cancellation of his permanent appointment also ended in a dismissal.



3. The learned counsel for the petitioner submitted that despite the order of cancellation of appointment dated 05.08.2013, he continued to be employed with the first respondent and hence the first respondent has informed the petitioner that he was entitled to be covered under the New Pension Scheme vide letter dated 21.10.2011; but during that point of time there would not have been any difficulty because the order of cancellation came later only on 05.08.2013; the petitioner's continual efforts to get his previous service with the first respondent to be included, is on the basis of the letter sent from the Government of India to the first respondent seeking particulars and confirmation as per the guidelines of Department of Personnel and Training.

4. The first respondent has filed counter in which it is stated as under:

“ 5. While he continued as such, later regular appointments were made by the University in 2012 and he was selected and the order dated 27.12.2012 was issued. Several other were also selected in the same recruitment drive in December 2012. A lot of complaints were received by Central Government about the procedure followed for such appointments, a committee was immediately constituted to examine the legality of these appointments and on the finds of the committee all such appointments were cancelled, all being just on probation.



6. Several writ petitions were filed against this decision of cancellation. The petitioner filed W.P.No.26069/2014 and this Court in W.M.P.No.1 in W.P.No.26069 of 2014 dated 24.09.2014 did not grant any stay in well-reasoned order but allowed him to continue in the earlier temporary post which he got in January 200 as stated already. In obedience to the order of this Court he was allowed to continue in the erstwhile temporary post.

7. I submit that the petitioner though of joining the services of Union of India as a Senior Officer and applied accordingly, while continuing with the first respondent under the above interim orders. He resigned from the employment by a letter dated 08.09.2015 giving a month's notice. He also addressed a letter to the Registrar of this Court, dated 08.09.2015 to the effect that he wants to withdraw the above writ petition, perhaps he had to withdraw the writ to join the Central Government. Accordingly, the said W.P.No.26069/14 was dismissed as withdrawn by this Court on 09.09.2015. He was relieved on 07.10.2015. This is a very material fact and the petitioner had wantonly suppressed the same. As such the petitioner is not entitled to any relief from the Court."

5. It is submitted by the learned counsel for the first respondent that the guidelines of Department of Personnel and Training are not applicable to the petitioner; no order has been passed by the concern by considering the situations narrated in the letter of the second respondent dated 24.04.2019 addressed to the first respondent.



W.P.Nos.17175, 17179 & 17184 of 2020

6. Considering the facts and circumstances of the case, I feel that if the first respondent answers the letter dated 24.04.2019 issued by the second respondent, that would relieve the petitioner from the anxiety faced by him. Hence I would only say that the first respondent has to send his reply to the above letter dated 24.04.2019 within a stipulated time.

7. Accordingly, these Writ Petitions are disposed with a direction to the first respondent to send a reply to the letter issued by the second respondent dated 24.04.2019 within a period of four weeks from the date of receipt of a copy of this order. However it is made clear that the entitlement of the petitioner to the relief claimed in these writ petitions can only be a offshoot of the reply given by the first respondent to the letter dated 24.04.2019. No costs.

07.11.2023

Index: Yes / No
Speaking order / Non-speaking order
bkn



W.P.Nos.17175, 17179 & 17184 of 2020

To:
WEB COPY

The Registrar,
Indian Maritime University,
East Coast Road, Uthandi
Chennai – 600 119.



WEB COPY



W.P.Nos.17175, 17179 & 17184 of 2020

R.N.MANJULA ,J.

bkn

W.P. Nos.17175, 17179 & 17184 of 2020

07.11.2023