



W.P.Nos.5533, 5535 & 5539 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.5533, 5535 & 5539 of 2022 and
W.M.P.Nos.5636, 5639 & 5642 of 2022

W.P.No.5533 of 2022

P.Iyyappan

...Petitioner

-Vs-

1. The State of Tamilnadu,
Rep. by its Secretary to Government,
Department of Higher Education,
Fort. St., George,
Chennai-600 009.
2. The Vice Chancellor,
Annamalai University,
Annamalai Nagar,
Chidambaram,
Cuddalore - 608 002.
3. The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram-608 002.
4. K.Ravichandran



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5. The Director of Medical Education,
No.156, Poonamalle High Road,
New Boopathy Nagar,
Chennai-600 031.

...Respondents

Prayer in W.P.No.5533 of 2022 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the promotion university order No.15/2020 (S2) dated 30.01.2020 to the 4th Respondent issued by the 3rd respondent and to quash the same as illegal and arbitrary and direct the 3rd respondent to issue an order of promotion to the petitioner with effect from 01.01.2020.

W.P.No.5535 of 2022

P. Sivakumar

... Petitioner

VS

1. The State of Tamilnadu,
Rep. by its Secretary to Government,
Department of Higher Education,
Fort. St., George,
Chennai-600 009.
2. The Vice Chancellor,
Annamalai University,
Annamalai Nagar,
Chidambaram,
Cuddalore - 608 002.
3. The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram-608 002.



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4. K.Ravichandran

5. The Director of Medical Education,
No.156, Poonamalle High Road,
New Boopathy Nagar,
Chennai-600 031.

... Respondents

Prayer in W.P.No.5535 of 2022 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the promotion university order No.15/2020 (S2) dated 30.01.2020, to the 4th Respondent issued by the 3rd respondent and to quash the same as illegal and arbitrary and direct the 3rd respondent to issue an order of promotion to the petitioner with effect from 01.01.2020.

W.P.No.5539 of 2022

A.Arunkumar

... Petitioner

VS

1. The State of Tamilnadu,
Rep. by its Secretary to Government,
Department of Higher Education,
Fort. St., George,
Chennai-600 009.

2. The Vice Chancellor,
Annamalai University,
Annamalai Nagar,
Chidambaram,
Cuddalore - 608 002.



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3. The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram-608 002.

4. M.Aranganathan

5. The Director of Medical Education,
No.156, Poonamalle High Road,
New Boopathy Nagar,
Chennai-600 031.

Prayer in W.P.No.5539 of 2022 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the promotion university order No.16/2020 (S2) dated 30.01.2020, to the 4th Respondent issued by the 3rd respondent and to quash the same as illegal and arbitrary and direct the 3rd respondent to issue an order of promotion to the petitioner with effect from 01.01.2020.

(In all W.Ps')

For petitioners : Mr.R.Baskar

For respondents No.2 & 3 : Mr.S.Sithirai Anandam,
Standing Counsel

For Respondents No.1 & 5 : Mr.D.Ravichander
Special Government Pleader



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COMMON ORDER

These writ petitions have been filed challenging the order passed for the promotion to the 4th respondent issued by the 3rd respondent dated 30.01.2020.

2. The petitioners were appointed as Lab Technician Grade II in Raja Muthaiah Medical College Hospital with consolidated salary and temporary basis for a period of one year. After three years, their services were regularized as Lab Technician Grade-II with effect from 01.04.2004. Though, the petitioners had three years of experience for regularization, but their services were taken for consideration as experience only for two years by the 3rd respondent. While regularization, the experience of three years was reduced to two years. Due to reduction of year of experience for regularization, there were several members regularized in the month of April 2004 to the post of Lab Technician Grade-II. While being so, when the petitioners were expecting promotion for Lab Technician Grade-I. The 3rd respondent had recommended for promotion of 10 persons for the post of



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Lab Technician Grade-I. However, the petitioners name were considered for the promotion to the post of Lab Technician Grade-I. According to the petitioner their juniors were granted promotion to the post of Lab Technician Grade-I with effect from 01.01.2020. They were appointed later in service and regularized in consequence of reduction in length of period of experience from three years to two years in the year 2004. During Covid-19 2nd respondent issued promotion order dated 30.01.2020 to 10 Lab Technicians who were also junior to the petitioners. Therefore, the petitioners submitted representation seeking rectification of seniority. However, it was not considered and as such the petitioners challenging the order of promotion of the 4th respondent dated 30.01.2020.

3. The 2nd and 3rd respondents filed counter and stated that the petitioners were appointed as Lab Technician Grade-II in the Rajah Muthiah Medical College Hospital of the 2nd respondent university from 01.04.2004. Thereafter, their services were confirmed on 01.04.2006. As per their seniority, the 4th respondent was given promotion to the post of Lab Technician Grade-II by an order dated 30.01.2020. Admittedly, the



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petitioners were appointed on temporary basis that too under consolidated pay in the year 2004 for a period of one year. Their services were continued temporarily for a further period of two years on consolidated pay basis. Thereafter, their services were regularized and considering their past services they were appointed to the post of Lab Technician Grade-II on regular time scale of pay from 01.04.2004. Initially, the 2nd respondent has regularized the service of the Non-Teaching Staff after completion of three years of service on consolidated pay basis upto the year 2003. Thereafter, the decision was modified to regularize the service of the Non-Teaching staff of the University after the completion of two years of service on consolidate pay basis from the year 2004 onwards. Therefore, the appointment of the 4th respondent was not later than the petitioners. They were promoted in accordance with rule, "where a person appointed by more than one method of recruitment are appointed or deemed to have been appointed to the service, says category or grade on the same day their inter seniority shall be decided with reference to their age". Accordingly, the seniority has been fixed and the 4th respondent in all the writ petitions were promoted to the post of Lab Technician Grade-I. Further, promotion of the



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employees are considered only based on their seniority of regular appointment on time scale of pay. If more than one person appointed on regular time scale of pay in the same date, then the age seniority is followed.

4. Therefore, this Court find no infirmity or illegality in the order of promotion granted to the 4th respondent passed by the 3rd respondent dated 30.01.2020. Hence, all the writ petitions are devoid of merits and liable to be dismissed. Accordingly, these Writ Petitions are dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

04.03.2024

Index : Yes/No
Speaking/Non Speaking Order
Neutral Citation : Yes/No
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G.K.ILANTHIRAIYAN,J.
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