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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15-07-2024

CORAM

**THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM
And
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN**

**WA No.978 of 2021
And
CMP No.6070 of 2021**

R.Kumarakrishnan

.. Appellant

-VS-

1.The Syndicate of the Anna University
Represented by its Registrar,
Chennai-600 025.

2.The Registrar,
Anna University,
Chennai-600 025.

.. Respondents

Writ Appeal is preferred under Clause 15 of the Letters Patent against the order passed by this Court in WP No.33252 of 2004 dated 17.12.2020.

For Appellant : Mr.R.Kannan

For Respondents : Mr.Avinash Wadhwan



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J U D G M E N T

[JUDGMENT OF THE COURT WAS DELIVERED

BY S.M.SUBRAMANIAM, J.]

The writ order dated 17.12.2020 is sought to be assailed by the petitioner in the present Intra Court Appeal.

2. The appellant was initially working as Assistant Tradesman in Metropolitan Transport Corporation (MTC). He was deputed to Anna University at Chennai for a period of one year in proceedings dated 14.01.2003 on terms and conditions. The period of deputation was extended for three years. Thereafter, Anna University had proposed to absorb the appellant as permanent employee in Anna University.

3. The appellant had given his consent for permanent absorption. Consequently, Anna University vide order dated 07.02.2003, permanently absorbed the appellant in the post of Senior Technical Assistant in the scale of pay of Rs.6,500/--Rs.200-Rs.11,100/- with an initial pay of Rs.6,500/-. Consequent to permanent absorption of the appellant in Anna



University, the Metropolitan Transport Corporation (MTC) relieved the appellant permanently from their services. Thereafter the lien of the appellant with MTC had been severed.

4. The permanent absorption of the appellant was ratified by the Syndicate of the University vide resolution dated 26.02.2003. The appellant is continuously working in the post of Senior Technical Assistant in Anna University for the past about more than 20 years. While-so, the Syndicate passed the impugned resolution, reverting back the appellant to the post of Junior Technical Assistant from the post of Senior Technical Assistant.

5. The second resolution was passed to address MTC to take back the appellant from University services. The third resolution for initiation of appropriate action against the Personnel Section of the University for misleading the Vice-Chancellor and the Syndicate on the issue of permanent absorption of the appellant in the post of Senior Technical Assistant.



6. The learned Single Judge has elaborately considered the issues with reference to the facts put forth between the parties.

7. Paragraph-8 of the order impugned reads as under:-

“8. In that view, the order impugned in this writ petition is set aside, more particularly, second resolution i.e., Metropolitan Transport Corporation Limited to take back Thiru.R.Kumara Krishnan from University Service. However, insofar as resolution Nos.1 and 3 are concerned, the respondents at liberty to take action against the petitioner in the manner known to law and not by merely passing resolution. Accordingly, this writ petition is partly allowed. However, there shall be no order as to costs.”

8. The learned counsel for the appellant would submit that there is scope for reading the relief granted by the Writ Court in different manner. Thus, the appellant has chosen to file the present Writ Appeal.



9. The learned counsel for the appellant would oppose by stating that the resolutions passed by the Syndicate were set aside and liberty was granted to University to initiate action against those erred officials in Personnel Section.

10. We have independently considered the scope of the resolution dated 29.10.2004, which is impugned in the writ proceedings.

11. Primarily, the petitioner cannot be reverted back to the post of Junior Technical Assistant from the post of Senior Technical Assistant, since he was permanently absorbed in the post of Senior Technical Assistant. In other words, an employee cannot be reverted back to a lower post to the post in which he was initially appointed. Thus reversion, per se, is violative on the established principles of Service Jurisprudence. In respect of second resolution, addressing a letter to MTC would not arise at all. There is no lien between the appellant and MTC. Metropolitan Transport Corporation permanently relieved the appellant based on the absorption order issued by the University. Thus, second Resolution also is improper.



12. Regarding third Resolution, the Syndicate is at liberty to initiate appropriate action against the officials of the Personnel Section of the University for misleading the Vice-Chancellor and the Syndicate on the issue relating to permanent absorption of the appellant.

13. The learned counsel for the appellant would submit that there is no misrepresentation on the part of the appellant for permanent absorption in the post of Senior Technical Assistant in Anna University. In fact, the University was ready and willing to permanently absorb the appellant, as they need the services of the appellant in the University. The University obtained consent from the appellant and thereafter, initiated action for permanent absorption. Therefore, the appellant is not liable for any misrepresentation or misleading.

14. Accordingly, we concur with the reasoning and the decision of the Writ Court. However, we made it clear that the Resolutions 1 and 2 relating to reversion and addressing letter to MTC to take back the appellant from University services, are set aside. However we upheld the third resolution for initiation of appropriate action against the Personnel Section



of the University.

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15. In the result, the present Writ Appeal stands disposed of.

However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(S.M.SUBRAMANIAM,J.) (C.KUMARAPPAN,J.)

15-07-2024

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

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To

1.The Registrar,
Syndicate of the Anna University,
Chennai-600 025.

2.The Registrar,
Anna University,
Chennai-600 025.



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S.M.SUBRAMANIAM, J.
AND
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