



WP.No.10011 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.03.2024

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.10011 of 2021

and

WMP.No.10638 of 2021

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Petitioners

/vs/

Pandit Jawaharlal Nehru College of
Agriculture & Research Institute rept.
by its Dean, Karaikal, Puducherry. ...

Respondent

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a WRIT OF MANDAMUS to direct the 1st respondent to regularize the services of the petitioner with effect from 05.12.2005, the date on which the services of other Technical Assistants were regularised with all other consequential benefits.

For Petitioner : Mr.V.Ajaykumar

For Respondent :No appearance

ORDER

Heard Mr.V.Ajaykumar, learned counsel for the petitioner and perused the materials available on record.



2. The Writ Petition has been filed for seeking a Writ of Mandamus to direct the first respondent to regularize the services of the petitioner with effect from 05.12.2005, the date on which the services of other technical assistants were regularized with all other consequential benefits.

3. The petitioner is said to have joined as a technical assistant on daily wage basis on 06.12.1994. The petitioner is working from then onwards without any break. The services of similarly placed persons have already been regularized; hence, the petitioner has given a representation to regularize his services by considering his long services; from the date of the order passed by the Central Administrative Tribunal with regard to the regularization of similar persons.

4. Mr.V.Ajaykumar, learned counsel for the petitioner submitted that on 05.12.2005 six members had been regularized and among them the sixth person by name one Rajkumar did not join the service. It is submitted that the petitioner is the next person in the order and hence the petitioner ought to have been considered for regularization. But so far, the petitioner's representation has not been considered. The petitioner has filed this writ petition seeking regularization from the date of regularization made in respect of the other five persons in the list.



5. Though notice has been served on the respondents, there is no appearance on their behalf, and a counter is also not filed.

6. The petitioner claims that similarly placed persons have already been regularized and the last person in the list did not choose to join duty and hence the petitioner will get his turn to be absorbed in the said place. Since the petitioner is next in the list and the last person did not opt to join, there cannot be any difficulty on the part of the respondents to consider the representation of the petitioner. The Central Administrative Tribunal has passed an order directing the regularisation of six Technical Assistants and out of him, one did not join. Hence, the 6th vacancy can be given to the petitioner who is next in the list by regularizing his services with effect from the date on which those five persons have already been regularized. The petitioner who had put 27 years of services has not yet been regularised so far, despite an order of the Central Administrative Tribunal. Since the petitioner has made out a rightful claim, the respondents ought to have considered the same and passed an order. If the respondent has not considered the petitioner's representation by keeping quiet, it is appropriate to issue suitable directions.

In the result, the Writ petition is **disposed**. The first respondent is directed



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to consider the petitioner's representation and pass orders in accordance with the law on its own merits within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, a connected miscellaneous petition is closed.

18.03.2024

Index : Yes /No
Internet : Yes/No
Speaking: Non-Speaking
Neutral: Yes/No

jrs



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To

The Dean,
Pandit Jawaharlal Nehru College of
Agriculture & Research Institute
Karaikal, Puducherry.



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R.N.MANJULA, J.

jrs

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