



W.P.No.10802 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.10802 of 2021

P.Ganesan

... Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu,
Higher Education Department,
Secretariat, Fort. St.George,
Chennai 600 009.

2.The Director of Technical Education,
Directorate of Technical Education,
No.53, Sardar Patel Road,
Guindy,
Chennai 600 025.

3.The Merger Committee,
Director of Technical Education,
No.53, Sardar Patel Road,
Guindy,
Chennai 600 025.

4.The Principal,
Government Polytechnic College,
Mohanur 637 015,
Namakkal District.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in Letter No.40131/H3/2020 dated 05.01.2021 and to quash the same and consequently direct the respondents to absorb the petitioner as Office Assistant in the 4th respondent / Government Polytechnic College, Mohanur, Namakkal District with retrospective effect from 01.04.2018 or the date on which other regular staffs absorbed or employed and paid salary in the 4th respondent / Government Polytechnic College and to pay salary to the petitioner for the period from 01.04.2018 or the date on which other regular staffs absorbed or employed and paid salary in the 4th respondent / Government Polytechnic College, till date the petitioner will be absorbed in the 4th respondent / Government Polytechnic College with 12% interest along with all other attendant service benefits on par with other regular staff.

For Petitioner : Mr.S.Sathiaseelan

For Respondents : Mr.M.Rajendran, AGP

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in Letter No.40131/H3/2020 dated 05.01.2021 and quash the same and consequently direct the respondents to absorb the petitioner as Office



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Assistant in the 4th respondent / Government Polytechnic College, Mohanur, Namakkal District with retrospective effect from 01.04.2018 or the date on which other regular staffs were absorbed or employed and paid salary in the 4th respondent / Government Polytechnic College and to pay salary to the petitioner for the period from 01.04.2018 or the date on which other regular staffs were absorbed or employed and paid salary in the 4th respondent / Government Polytechnic College, till the date the petitioner is absorbed in the 4th respondent / Government Polytechnic College, with 12% interest along with all other attendant service benefits on par with other regular staff.

2. Heard Mr.S.Sathiaseelan, learned counsel for the petitioner and Mr.M.Rajendran, learned Additional Government Pleader for the respondents.

3. The petitioner was working as an Office Assistant of the erstwhile Salem Co-operative Sugar Mill Polytechnic College, Mohanur. The said College has been converted into Government Polytechnic



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College. The grievance of the petitioner is that he was working in the said College even before conversion from the year 1985. But so far his services were not regularised.

4. The learned counsel for the petitioner attracted the attention of this Court to G.O.Ms.No.28 dated 31.01.2018 and submitted that as per the said Government Order, the petitioner is entitled to be absorbed in the Government Polytechnic College. It is claimed that the petitioner is the regular employee who was working against the sanctioned post and hence, the benefits of the above Government Order should be extended to him. By the letter of the second respondent dated 02.05.2018, certain qualifications were also relaxed in view of the conversion and prescribed the qualification required for the posts in Government Polytechnic College.

5. It is further submitted by the learned counsel for the petitioner that even those persons who were not eligible have been given with relaxation and absorbed. But the petitioner has not been absorbed so far



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and his services have not been regularised. In the impugned order dated 05.01.2021, it is stated that the staff shall be absorbed only against the sanctioned post and excess staff cannot be taken over. In fact, the impugned order dated 05.01.2021 is not an order but an information furnished to the petitioner.

6. The learned Additional Government Pleader for the respondents submitted that after conversion to Government Polytechnic College, only two posts have been sanctioned for Office Assistant and those persons who is senior to the petitioner have been absorbed as against the sanctioned posts and there is no further post available with the respondent College in order to absorb the petitioner.

7. The petitioner is said to be continued as Watchman on daily wage basis till now. It is submitted by the learned counsel for the petitioner that the petitioner's service has been regularised by the erstwhile self-financing Polytechnic College on 25.02.1987 and the petitioner has been converted as daily wager subsequent to conversion.



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Even in G.O.Ms.No.28 dated 31.01.2018 it has been stated that regular and qualified staff alone are entitled to continue in the Government Polytechnic College. In such case, the Government ought to have taken into account of the service rendered by the petitioner in the erstwhile Polytechnic College and the created / sanctioned additional posts. The petitioner has already been regularised and a regular employee was deprived to be absorbed as Office Assistant, in view of only two sanctioned posts and in which the persons who are seniors to the petitioner have been absorbed.

8. Since the Government Order contemplates a kind of pay protection for all those regular employees of the Salem Co-operative Sugar Mill Polytechnic College, it is obligatory on the part of the Government to sanction additional posts and absorb all those persons who are already regularised in the erstwhile College. So, I feel it is appropriate to direct the respondents to consider the representation of the petitioner in this regard.



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9. In the result, this Writ Petition is disposed and the respondents

are directed to consider the representation of the petitioner in this regard and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order. No costs.

12.01.2024

Index : Yes /No

Internet : Yes/No

Speaking / Non-speaking

Neutral Citation : Yes / No

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R.N.MANJULA, J.

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To

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