



WEB COPY



W.P.No.3160 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.3160 of 2016

and

W.M.P.Nos.2591 to 2593 of 2016

K.Prabakaran

... Petitioner

Vs.

1.The Government of Tamilnadu
Rep. by its Secretary to Government,
Higher Education Department,
Secretariat, Fort St. George,
Chennai-9

2.The Director of Technical Education,
O/o.Director of Technical Education,
Sardar Patel Road, Guindy,
Chennai-25

3.The Principal,
Government College of Technology,
Coimbatore-13

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus,



W.P.No.3160 of 2016

calling for the records pertaining to order vide NO.SS-2/ 2015 dated 28.12.2015 passed by the 3rd respondent and to quash the same and to direct the respondents to regularise the service of the petitioner in the post of Lab Assistant with effect from his initial date of appointment i.e. 4.9.2006 with all consequential benefits including seniority and arrears of pay and allowances.

For Petitioner : M/s.P.V.S.Giridhar, Senior Counsel
for M/s.Y.Kavitha
For Respondents :
(for R1 to R3) : M/s.R.Kumaravel, AGP

ORDER

The above writ petition is filed seeking to quash the order passed by the 3rd respondent on 28.12.2015 in and by which the petitioner and others request to regularise their services has been turned down and consequently to direct the respondents to regularise the services of the petitioner in the post of Lab Assistant with effect from the initial date of his appointment with all consequential benefits.

2. The petitioner was appointed as a Lab Assistant/Cleaner in the Government College of Technology, Coimbatore on 04.09.2006. The appointment was in accordance with the recruitment rules and



against the sanctioned post. The petitioner is fully qualified to hold the said post. However, he was appointed on a daily wage of Rs.100/-.

The Head of the Department of the Physics Department by communications dated 14.06.2010 and 15.06.2010 had recommended the regularization of the petitioner's service for the smooth running of the lab.

3. The petitioner would submit that he has been orally assured that he has been regularized in the said post. Meanwhile, by a circular dated 12.08.2009, all daily wage employees working under the self-financed education scheme were called for interviews and certificate verification for the revision and re-fixation of pay. The petitioner has attended the interview and certificate verification on 20.08.2009. The respondents were satisfied with the genuineness of the records and the certificates produced by the petitioner and has assured to place him in a regular time scale. However, they had only enhanced the petitioner's daily wages by Rs.25/-.

4. The petitioner and others had sent a representation to the 3rd



respondent to regularize their services. The said representation has not been considered and on the contrary the 3rd respondent by an order dated 28.12.2016 had terminated the petitioner from service with effect from 30.01.2016. Challenging the same, the petitioner is before this Court.

5. The 3rd respondent has filed a counter inter alia contending that the petitioner was engaged only on daily wages, paid at rates fixed by the District Collector on an ad hoc basis. The 3rd respondent would submit that there is no rule to keep the petitioner in the institution permanently. Therefore, they had sought for a dismissal of the writ petition.

6. On 11.07.2024, after hearing the learned counsels on either side and taking note of the fact that the petitioner has been working since 2006, the Court had directed the learned Government Advocate to get instructions as to whether there is any vacancy in the Group D post and whether the same has been outsourced.



7. Today, it is informed by the learned Government Advocate that there are vacancies in Salem and Erode. The 2nd respondent shall therefore consider appointing the petitioner either at Salem or at Erode on a temporary basis within a period of 8 weeks from the date of receipt of a copy of this order. Since these posts are now being outsourced, in the event of regular appointments being made in these places, it is open to the petitioner to participate along with the others.

8. With the above directions, the writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

24.07.2024

(shr)
Index : Yes/No
Speaking Order: Yes/No
Neutral Citation : Yes/No

To



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