



W.A.Nos.1167, 1196 & 1197 of 2016

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**

W.A.Nos.1167, 1196 & 1197 of 2016

and

C.M.P.No.14983 of 2019

[W.A.No.1167 of 2016]

R. Arivazhagan

... Appellant

Vs.

1. The Tamil Nadu Dr.MGR Medical University,
Rep. by its Vice Chancellor,
No.69, Mount Road, Guindy,
Chennai-32.

2. The Registrar,
The Tamil Nadu Dr.MGR Medical University,
No.69, Mount Road, Guindy,
Chennai-32.

3. Mrs.S. Vaidehi

... Respondents

Prayer :- Writ Appeal filed under Clause 15 of Letters Patent, praying to setting aside the order passed by the learned Judge dated 09.06.2016 in W.P.No.10051 of 2012.

[W.A.No.1196 of 2016]



W.A.Nos.1167, 1196 & 1197 of 2016

M.Suresh

... Appellant

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Vs.

1. The Tamil Nadu Dr.MGR Medical University,
Rep. by its Vice Chancellor,
No.69, Mount Road, Guindy,
Chennai-32.

2. The Registrar,
The Tamil Nadu Dr.MGR Medical University,
No.69, Mount Road, Guindy,
Chennai-32.

3. M.Somasundaram

4.M.Anandi

5. S.Deivendran

6.P.Manimozhi

... Respondents

Prayer :- Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 09.06.2016 in W.P.No.13741 of 2011 in so far as it is against the Appellant and allow the writ appeal.

[W.A.No.1197 of 2016]

M.Suresh

... Appellant

Vs.

1. The Tamil Nadu Dr.MGR Medical University,
Rep. by its Vice Chancellor,
No.69, Mount Road, Guindy,
Chennai-32.



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2. The Registrar,
The Tamil Nadu Dr.MGR Medical University,
No.69, Mount Road, Guindy,
Chennai-32.

3. P.S.Kumar

... Respondents

Prayer :- Writ Appeal filed under Clause 15 of Letters Patent, praying to setting aside the order dated 09.06.2016 in W.P.No.10050 of 2012 and allow the writ appeal.

For Appellants
in all Writ Appeals : Mrs.A.L.Ganthimathi,
Senior Counsel for
Mrs.Meenakshi Ganesan

For Respondents
in all Writ Appeals : Mr.A.Mohamed Gouse,
Standing Counsel (for R1 & R2);
: Mr.V.Govardhanan for
M/s.Rowan Reddy (for R3).

COMMON JUDGEMENT

(Judgement of the Court was delivered by S.M.Subramaniam J.)

The common order dated 09.06.2016 by the Writ Court is under challenge in the present intra-court appeals.

2. Admittedly, the writ appellants were appointed as Steno-Typist



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Grade-III in Tamil Nadu Dr.MGR Medical University. The post of Steno-Typist Grade-III and Assistant, as per the service rules of the University, are not interchangeable. Both the posts fall under different categories.

3. The Government issued G.O.Ms.No.34, Personal and Administration Reforms Department, dated 21.01.2001, amending special rules to the Tamil Nadu Ministerial Services. The said Government Order is inapplicable to the University Services. The Government Order has not been extended to the employees serving in the universities across the State of Tamil Nadu. However, the Tamil Nadu Dr.MGR Medical University has wrongly applied the said Government Order issued in G.O.Ms.No. 34, Personal and Administration Reforms Department, dated 21.01.2001, and appointed the appellants to the post of Assistant by way of transfer of service.

4. While appointing the appellants by way of transfer of service, the respondent University followed the procedures by receiving applications from the employees by following the ratio of 20:1 as contemplated under the Government Order. Though the procedures were followed for appointing the appellants to the post of Assistant, by way of transfer of service, the applicability of the Government Order has not been considered



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by the University. Thus, the respondents would submit that the very appointment of the appellants, to the post of Assistant itself, is irregular and the reversion is to be sustained.

5. Smt.A.L.Ganthimati, learned Senior Counsel appearing on behalf of the appellants, would submit that the employees are not at fault. Options were invited. The appellants admittedly exercised the option to serve in the post of Assistant by way of transfer of service. Accordingly, their cases were considered. The appellants have worked for several years in the post of Assistant and were subsequently promoted to the post of Assistant Section Officer.

6. Mr.Arivazhagan, the appellant in the Writ Appeal No. 1167 of 2016, already attained the age of superannuation and retired from service. Mr.M.Suresh, appellant in Writ Appeal No.1196 of 2016 is working as of now. Wrong application of the Government order by the University would not be a ground to set aside the reversion at this length of time since one appellant has already reached the age of superannuation and the other appellant served in the said post of Assistant and Assistant Section Officer for the past about 18 years.



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7. That being so, we are not inclined to interfere with the order impugned with reference to the relief granted by setting aside the reversion order. However, regarding seniority, it is made clear that the appellants are entitled to get seniority in the post of Assistant and Assistant Section Officer from the respective date of appointment in the said post. The seniority of the appellants are to be fixed as per the University Service Rules applicable to the appellants. It is further made clear that their date of appointment to the post of Steno-Typist Grade-III cannot be taken into consideration for the purpose of fixation of seniority.

8. With the clarifications, the writ appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.J.,)

(C.K.J.,)

15.07.2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
(sha)

To

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S.M.SUBRAMANIAM, J.

and

C.KUMARAPPAN, J.

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