



W.P.(MD).Nos.4354 & 4355 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).Nos.4354 & 4355 of 2024

P.Pandi Devi

... Petitioner in WP(MD) No.4354 of 2024

T.Prabhakaran

... Petitioner in WP(MD) No.4355 of 2024

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary,
High Education K2 Department,
Secretariat, Fort St. George,
Chennai.

2. The Madurai Kamaraj University,
Rep. by its Registrar, Madurai.

... Respondents in both the petitions

Common Prayer : Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to regularize the petitioners' service as a Clerk in the 2nd respondent University with effect from 2015 (completion of 10 years as Casual Labourer on Consolidated Pay) with all attendant benefits within the time that may be stipulated by this Court, in light of the order made by this Court in W.A.(MD)



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No. 981 of 2023, dated 25.07.2023 within the time that may be stipulated by this Court

In both petitions:

For Petitioners : Mr. M.Mahaboob Athiff

For Respondents : Mr.T.Amjadkhan (R1)
Government Advocate

Mr.T.Cibi Chakkraborthi (R2)
Standing Counsel

COMMON ORDER

The petitioners have filed these writ petitions seeking a direction to the 2nd respondent to regularize the petitioners services' as Clerks in the 2nd respondent University with effect from 2015, with all attendant benefits, in the light of the order made by this Court in W.A.(MD) No. 981 of 2023, dated 25.07.2023.

2.The learned counsel appearing for the petitioners submitted that petitioners are working as Clerks in the second respondent University from the year 2005. As per the resolution of Syndicate of the second respondent University, a policy decision was taken to regularise the services of those daily wagers, who had completed 10 years of service. Accordingly, the petitioners have also completed 10 years of service in the year 2015 and they are also



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entitled to the above benefits. Similarly placed persons have already been given with benefits and their services have been regularised earlier.

3.In fact, similarly placed persons had approached this Court and obtained favourable orders in their favour and against which, the writ appeal preferred by the respondent University and that was also dismissed. In this regard, it is relevant to extract the relevant portions in the Judgment of the Division Bench in W.A.(MD) No.981 of 2023, dated 25.07.2023:

“4.4. Ever since their recruitment as casual labour, they have been continuously been made to discharge the duties assigned to the post of Clerk/Junior Assistant. The said fact could not be denied by the respondent University. The resolution passed by the respondent University reads thus:

“Item No.5: Considered the

- a) the status of Consolidated Pay Casual Labourers;*
- b)the recommendation of the Syndicate dated 09.07.2005 to enhance the Consolidated Pay of the Consolidated Pay CLR's who have acquired an additional qualification such as PGDCA/B.Sc., (Computer Science) BCA etc.,*
- c)Casual Labour working on daily wages basis (Persons working previously in Scheme/Project)*
- d)Casual Labour working on daily wage basis as Data Entry Operators.*
- e)Computer Centre Lab Technicians.*



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Resolved that it be a recommendation to the Syndicate that the consolidated pay casual labourers and casual labourers on daily wages be allowed regular time scale of pay for those who have completed ten years of service as given below against to the existing vacant posts.

Clerical cadre : Rs.3625-85-4900

Class IV :Rs.2550-55-2660-60-3200

Total no. of employees under clerical cadre

Total no. of employees under Class IV

The remaining vacancies ie., 61 in the clerical cadre and 9 under class IV category shall be kept in abeyance.”

(emphasis supplied)

4.5. Thus a careful reading of the above resolution even though mentions about the number of employees and vacancies as on that date, it can be seen that generally it enhanced the consolidated pay on obtaining additional qualification and it considered the status of consolidated pay casual labourers and it resolved that the consolidated pay casual labourers and the casual labourers on daily wages be allowed on regular time scale of pay for those who have completed 10 years of service as given below against existing vacant posts in the Clerical cadre and Class IV posts in the scales of pay mentioned therein. On the basis of the resolution, persons similarly situate that of the petitioner have also been regularised. That is, one S. Rajeswari was regularised by order dated 03/01/2012 and one S. Paulraj & 5 others were regularised by order dated 03/10/2013. In that view of the matter, we are unable to accept the contentions of the



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learned Additional Advocate General that the learned Single Judge has not read the resolution in the correct perspective.

4.6. The petitioner has been kept under consolidated pay for nearly two decades and the dictum of Umadevi's case is not for the purpose of employing hands on regular basis continuously for years together and extracting work in the regular posts but on a meagre and consolidated pay. In that view of the matter, the respondent University has got no justification whatsoever in denying regularisation to the writ petitioner."

4.Since the petitioners are also similarly placed persons, they are also entitled for the similar benefit. Hence, the second respondent is directed to consider the representations of the petitioners positively, within a period of six weeks, from the date of receipt of copy of this order.

5.Accordingly, these writ petitions stand disposed of. There shall be no order as to costs.

04.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM



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To

1. The Secretary, State of Tamil Nadu,
High Education K2 Department,
Secretariat, Fort St. George,
Chennai.
2. The Registrar, Madurai Kamaraj University,
Madurai.



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R.N.MANJULA, J.

PNM

**COMMON ORDER IN
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