



WP(MD). No.13946 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 28/06/2024

CORAM

The Hon`ble Ms.Justice R.N.MANJULA

WP(MD). No.13946 of 2024

Kamarajan

... Petitioner

Vs

1. The Secretary,
Higher Education Department,
Secretariat, St. George Fort,
Chennai - 600 009..

2. The Registrar,
Madurai Kamarajar University,
Palkalai Nagar,
Madurai 625 021..

... Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to regularize the petitioner service from the date of completion of Ten years of his service ie., on 10.10.1998 with all monetary and service benefits to the petitioner on the basis of the syndicate resolution, 2005.

For Petitioner : Mr.K.Navaneetharaja,

For Respondents : Mr.T.Amjad Khan for R1

Government Advocate

Mr.T.Cibi Chakraborty for R2



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ORDER

By consent, the writ petition itself is taken up for final disposal.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3. This writ petition has been filed for a mandamus to direct the respondents to regularize the service of the petitioner from the date of completion of ten years of his service ie., on 10.10.1998 with all monetary and service benefits to him on the basis of the syndicate resolution, 2005.

4. The learned counsel for the petitioner submitted that the petitioner was appointed as CLR in the respondent university on 10.10.1988. While so, the syndicate has passed a resolution on 12.08.2005 by recommending to allow regular time scale of pay for those casual labourers and the persons engaged on consolidated pay. The total number of employees under clerical cadre is identified as 77 and total



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number of employees under Class IV is identified as 51 in the above resolution. However, on 02.01.2008, an order for regularization has been passed by regularizing the services of the petitioner with effect from 20.11.2007. The petitioner has given a representation to regularize his services. However, the same has not been considered so far.

5. The learned counsel for the 2nd respondent submitted that the petitioner is entitled for regularization with effect from the date of completion of 10 years of service from 10.10.1998. Despite the petitioner has been given with regularization order in the year 2008 and it has been accepted, subsequently he was promoted to the post of Assistant and Superintendent. The petitioner retired on 31.07.2016. This writ petition has been filed after a lapse of 18 years and hence, the petition is affected by delay and laches.

6. He further submitted that as per the University records, the petitioner has been enrolled as casual labourer only from 1998 and after completion of 10 years of service, he has been regularized from the year 2008 and hence, the order does not suffer from any illegality.



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7. The learned counsel for the petitioner submitted that even in the year 2008, the petitioner has filed a writ petition in WP No.10212/2000, wherein an order came to be passed on 23.01.2003, by which, a direction was issued to the respondents to consider the petitioner's representation seeking regularization. He further submitted that at that point of time, the learned counsel for the respondents submitted that the request of the petitioner will be considered whenever vacancy arises in the university. By citing the above order, it is claimed by the petitioner that he had agitated the matter even in the year 2000 and as per the submission made on behalf of the respondents, it would only show that at that point of time, the petitioner had already completed 10 years of service, ie., even in the year 2000, when the writ petition was filed or in the year 2003 when the order was passed.

8. Even though the petitioner cited the minutes of the meeting dated 12.08.2005, the minutes do not have the list of 72 persons, for whose benefits the resolution has been passed. The only submission now made is that the petitioner had filed a writ petition even in the year 2000



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itself for regularizing his services and the respondent University has made a submission that his request would be considered whenever vacancy arises. However, in the said order, the petitioner has not stated that he has completed 10 years of service with effect from the particular point of time.

9. So far as the present writ petition is concerned, the petitioner has been enrolled as a casual labourer. Only from the year 1998 and hence, he has been accorded for regularization from the year 2008. The petitioner would have challenged the order of regularization in the year 2008 itself. However, he has approached the Court after 17 years and hence, it is for the respondents to consider the representation of the petitioner on merits.

10. In view of the above, the writ petition is disposed of with a direction to the 2nd respondent to consider the representation of the petitioner dated 30.04.2024. The petitioner is also at liberty to raise whatever contentions that he made in the writ petition, while his representation is considered by giving an additional representation. The



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said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. No costs.

28.06.2024

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TO

1. The Secretary,
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Secretariat, St. George Fort,
Chennai - 600 009..



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R.N.MANJULA,J

RR

**ORDER
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