



W.P.(MD)No.14496 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.14496 of 2024

B.Guhan

... 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 for issuance of Writ of Mandamus, to direct the respondents to regularize the petitioner service with effect from 13.12.2001 I.e., based on the MOU, after completing the tenure of the ICAR project with all monetary and service benefits to the petitioner.

For Petitioner : Mr.K.Navaneetharaja
For Respondents : Mr.M.Siddharthan (for R1)
Additional Government Pleader
Mr.Ashaiq Ismail (for R2)
for Mr.T.Cibi Chakravarthy



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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 petitioner service with effect from 13.12.2001 i.e., based on the MOU, after completing the tenure of the ICAR project with all monetary and service benefits to the petitioner.

4. The learned counsel for the petitioner submitted that the petitioner was appointed as a Typist in the respondent university on 15.03.1989. 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. However, on 20.09.2007, an order for regularization has been passed by regularizing the services of the petitioner with effect from 14.11.2005. The petitioner has given a representation to regularize his services. However, the same has not been considered so far.



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5. The issue involved in this writ petition has already been settled by an order of this Court dated 28.06.2024 in W.P(MD).No.13946 of 2024. The relevant portion is extracted hereunder:

“.....

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 said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. “



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6. As the petitioner is also similarly placed, he is also entitled to get the similar relief as granted to the petitioner of the above writ petition.

7. Accordingly, the writ petition is disposed of with a direction to the 2nd respondent to consider the representation of the petitioner dated 02.05.2024. 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 said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. No costs.

03.07.2024

NCC:yes/no
Index:yes/no
Rmk

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

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



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R.N.MANJULA, J.

Rmk

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