



W.P.(MD)No.17594 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.17594 of 2024

Jeyanthi

... 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, directing the Respondents to regularize the petitioners service from the date of completion of Ten years of her service i.e., on 02.01.1995 with all monetary and service benefits to the petitioner on the basis of the syndicate resolution, 2005.

For Petitioner	: Mr.K.Navaneetharaja
For R1	: Mr.M.Siddharthan
	Additional Government Pleader
For R2	: Mr.T.Cibi Chakraborty



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ORDER

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This writ petition has been filed for a mandamus to direct the respondents to regularize the petitioners service from the date of completion of Ten years of her service i.e., on 02.01.1995 with all monetary and service benefits to the petitioner on the basis of the syndicate resolution, 2005.

2. Heard Mr.K.Navaneetharaja, learned counsel appearing for the petitioner, Mr.M.Siddharthan, learned Additional Government Pleader for the first respondent and Mr.T.Cibi Chakraborty, learned Standing Counsel for the second respondent.

3.The learned counsel for the petitioner submitted that the petitioner was appointed as Typist in the respondent university on 02.01.1985. While so, the syndicate has passed a resolution on 12.08.2005 by recommending to allow regular time scale of pay for the casual labourers and the persons engaged on consolidated pay. However, the same was not implemented. Subsequently, the petitioner was appointed as a Clerk based on the written test and interview and then promoted to the post of Assistant and Superintendent and retired from service on 31.07.2019.



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4. Thereafter, the Syndicate of the University had resolved to include half of the services rendered in the University prior to regular appointment for pensionary benefits insofar as the employees who were appointed on 14.11.2005. Therefore, the petitioner sent a representation dated 24.01.2020 to fix his seniority from the date when he was originally appointed i.e., on 02.01.1985. However, the same was not considered.

5. The learned counsel for the petitioner submitted that the petitioner was originally appointed on daily wage basis on 02.01.1985 in the second respondent University. In view of the resolution of the Syndicate and in terms of Section 11(2) of the Tamil Nadu Pension Rules, half of the services rendered by the petitioner prior to regular appointment should be included for regular service benefits.

6. The learned counsel for the petitioner submitted that the issue is no longer a *res integra* and is covered by the decision of this Court in W.P. (MD) No.13946 of 2024, dated 28.06.2024. While dealing with the same issue, this Court has observed in paragraph Nos.7 and 8 held as follows:-

“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



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8. Accordingly, following the earlier decision of this Court supra (W.P.(MD)No.13946 of 2024, dated 28.06.2024), this Writ Petition is disposed of directing the second respondent to consider the representation of the petitioner dated 14.05.2024. The petitioner is also at liberty to raise whatever contentions that he made in the writ petition 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.

30.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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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.

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