



W.P.(MD).No.27236 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.27236 of 2022

B.Ramanathan

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Warehousing Corporation,
No.82, Anna Salai,
Guindy, Chennai – 600 032.

2. The Warehouse Manager,
Tamil Nadu Warehousing Corporation,
Ambasamudram,
Tenkasi District.

3. The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram – 608 001.
Cuddalore District.

4. The Secretary to Government,
Higher Education Department,
Government of Tamil Nadu,
Chennai.

... Respondents

(R4 is *suo motu* impleaded vide order
of this Court dated 01.12.2022 in
W.P(MD) No.27236 of 2022)



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the first respondent in his proceedings in RC.No.3265/2016/E3, dated 25.11.2019, quash the same and consequently direct him to reinstate the petitioner in service with all consequential service and monetary benefits.

For Petitioner	: Mr.D.Sivaraman
For R1 and R2	: Mr.C.Gangai Amaran
For R3	: Mr.C.Venkatesh Kumar for M/s.Ajmal Associates
For R4	: Mr.J.Ashok Additional Government Pleader

ORDER

The instant writ petition has been filed by a Junior Assistant working in the Tamil Nadu Warehousing Corporation, challenging the order dated 25.11.2019, wherein he was reverted to parent Department, namely, Annamalai University, Chidambaram.

2. According to the learned counsel appearing for the writ petitioner, he was working as a Junior Assistant in Annamalai University and he was one



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among the Surplus non-teaching staff identified by the Government, while the Government has taken over the University. Thereafter, he was deputed to the Tamil Nadu Warehousing Corporation.

3. By way of proceedings dated 10.05.2017, the first respondent herein has appointed the petitioner as Junior Assistant on agreement basis for a period of three years. However, by way of the impugned order dated 25.11.2019, even before the expiry of the three years period, the first respondent has passed an order to revert him to his parent Department on the basis of certain allegations. This order is put to challenge in the present writ petition.

4. This Court posed a question whether the petitioner could continue in the Tamil Nadu Warehousing Corporation after the expiry of the three years period and *suo motu* impleaded the Secretary to Government, Higher Education Department, to get instructions.

5. The learned Additional Government Pleader has received the written instructions from the Additional Chief Secretary to Government, Higher



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Education Department, by way of letter dated 10.09.2024. Paragraph No.10 of the said letter is extracted as follows:

“10. I am, therefore, to State that the individual shall not be allowed to return to the Annamalai University. Instead, he may rejoin the Tamil Nadu Warehousing Corporation to resume his service. The Managing Director, Tamil Nadu Warehousing Corporation may accept his return to duty and examine his request for service benefits/monetary benefits in accordance with rules in force. Furthermore, the agreement period of all surplus staff including the petitioner will be reviewed at the end of contract period. If the financial position of Annamalai University improves or if any vacancy arrives, they will be reverted to the Annamalai University on seniority basis. Otherwise, their agreement period will be extended further.”

6. In view of the above said letter of the fourth respondent herein, it is very clear that the petitioner cannot be reverted back to the parent Institution, namely, Annamalai University unless and until the Government takes a decision in this regard. Therefore, if the first respondent is of the opinion that there is some mis-conduct on the part of the writ petitioner, it is open to them



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to initiate appropriate proceedings. The question of reverting the petitioner back to the parent University does not arise, in view of the fact that the first respondent do not have powers to do the same.

7. In view of the above said deliberations, the order impugned in the writ petition is set aside. The petitioner is directed to join duty in the first respondent Corporation within a period of ten days from the date of receipt of a copy of this order. As regards the service benefits, the first respondent is directed to strictly comply with the letter of the Additional Chief Secretary to Government, dated 10.09.2024, which has been extracted as above.

8. With the above said observations, this Writ Petition stands allowed.
There shall be no order as to costs.

11.09.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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