



WEB COPY

W.A.No.2110 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE MR.JUSTICE **K.SURENDER**

Writ Appeal No.2110 of 2025

C.Wilbert

... Appellant

Vs.

1. The Management of Indian Institute of
Technoloty, Rep. by its Director,
Chennai 600 036.

2. The Deputy Registrar (Admin)
Indian Institute of Technology,
Chennai 600 036.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside
the order passed in WP No.13726 of 2015 dated 18.07.2022.

For Appellants : Mr.C.Umashankar



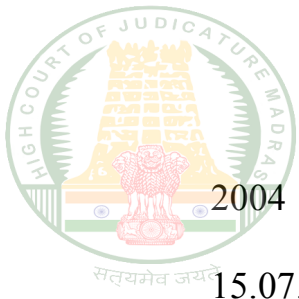
J U D G M E N T

WEB COPY (*Judgment of the Court was delivered by R.SUBRAMANIAN, J.*)

The Writ Court had dismissed the claim of the appellant for absorption as a regular employee in the respondent Management on the ground that his employment itself was irregular and it is in violation of the pronouncements of the Hon'ble Supreme Court in Secretary, ***State of Karnataka vs. Uma Devi and Others***, reported in (2006) 4 SCC 1, and the ***Secretary to Government, School Education Department, Chennai vs. R.Govindaswamy and others***, reported in (2014) 4 SCC 769.

2. It is admitted that the appellant has been working in the Indian Institute of Technology (I.I.T) in some capacity or the other for quite a long number of years now. In fact the appellant was favoured with an order by the Labour Court as early as on 26.04.2004 in ID No.93 of 1997, wherein the Labour Court directed the appellant should be taken in as a regular employee.

3. Though this order was reversed by this Court in WP No.26926 of



WEB COPY

2004 on Appeal a Division Bench of this Court by its judgment dated 15.07.2008 restored the award of the Labour Court. However, on the Appeal by the respondent Management before the Hon'ble Supreme Court, the Hon'ble Supreme Court passed the following order:

“Mr. K.V. Viswanathan, senior counsel appearing for the petitioners, on instructions, states that the respondent-workman will be given employment on some ongoing project. He further assured the Court that the employment on a project, instead of absorption in the Institute, shall not be used by the petitioner Management as a subterfuge to get rid of the respondent-workman within the next few months and, as far as possible, the Management would endeavour to continue to employ the respondent-workman on different projects from time to time.

This arrangement is acceptable to the respondent-workman, as conveyed by him to his counsel Mr. S. Gowthaman.

We dispose of the special leave petition with



WEB COPY

W.A.No.2110 of 2



*the direction that **instead of absorption**, the respondent- workman shall be employed on any of the ongoing project and after its completion the Management will try and accommodate him in any other projects that may be at hand at that time.*

4. Therefore, the appellant has lost his right to claim absorption when he gave up the right before the Hon'ble Supreme Court in SLP (C) No.26226 of 2008. Again when the respondent sought for regularisation, the same was rejected by the Management stating that he could not be fitted into the Recruitment Rules of the Institute. Even though the reasoning that has been assigned may not be fully correct, we find that this Court cannot direct absorption of the workman particularly when the Hon'ble Supreme Court had pronounced on his status and the appellant had also accepted the suggestion of the Management that he will continue to work in any one of the projects instead of absorption.



5. We therefore see no merit in the Appeal, the Writ Appeal fails and it is accordingly dismissed. There shall be no order as to costs.

WEB COPY

(R.SUBRAMANIAN, J.) (K.SURENDER, J.)
10.07.2025

jv

Internet : Yes

Index : No

Neutral Citation : No

Speaking order

To

1. The Director,
Management of Indian Institute of
Technoloty,
Chennai 600 036.
2. The Deputy Registrar (Admin)
Indian Institute of Technology,
Chennai 600 036.



WEB COPY

W.A.No.2110 of 2



R.SUBRAMANIAN, J.
and
K.SURENDER, J.

jv

Writ Appeal No. 2110 of 2025

10.07.2025