

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 06.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.24016/2015 & MP.Nos.1&2/2015

Dr.S.Djodilatchoumy

... Petitioner

Versus

- 1.The Regional Director
AICTE, Southern Region
chennai.
- 2.The Joint Director of Collegiate Education
College Road, Chennai.
- 3.The Secretary,
Pachaiyappa's Trust Board
Pachaiyappa's College Campus
Chennai 600 030.
- 4.The Principal
Pachaiyappa's College for Men
Chennai 600030.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus calling for the records of the 3rd respondent-The Secretary of the Pachaiyappa's Trust Board, Chennai in RC.No.A1/2553/2013, dated 29.06.2015 and the consequential order of the 4th respondent, the Principal, Pachaiyappa's college for Men, Chennai, in D.No.182/2015, dated 09.07.2015, withdrawing the time scale of pay of the petitioner and reverting back to consolidated remuneration, quash the same and further direct the 4th respondent to release the salary of the petitioner for the month of June 2015, in the time scale of pay.

For Petitioner : Mr.S.Giridharan

For R2 : Mr.R.Vijayakumar, AGP

O R D E R

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

2.The petitioner would state that she was working as Lecturer in Computer Science Department of Pachaiyappa's College for more than 20 years and it is her claim that she was appointed in the sanctioned vacancy. The petitioner was declared as an approved probationer and her service was also regularised and her salary was fixed at the Time Scale of Pay.

3.The petitioner would state that B.Sc [Computer Science], B.C.A., and M.C.A., courses were also approved by the All India Council for Technical Education. The petitioner was put on Time Scale of Pay of Rs.800-275-13500 with 10% of pay as allowances with effect from 06.10.1999 subject to the review upon the budget estimates for the self-finance courses and review by the Administrator of the Trust. However, to the shock and surprise of the petitioner, she was issued in the impugned proceedings dated 09.07.2015 by the 4th respondent stating that due to the closure of M.C.A., course on self-finance pattern and due to financial crisis, a decision has been taken to withdraw the Time Scale of Pay and taking into consideration the sympathetic grounds, the petitioner was reverted to the original pattern of consolidated pay in the same capacity as Head of the Department on par with other faculty members in Self-Finance courses on consolidated remuneration subject to the provision of work load in Self-Finance courses, i.e., B.Sc.[Computer science] and B.C.A., and challenging the legality of the said order, the petitioner has filed this writ petition.

4.Learned counsel for the petitioner would submit that admittedly the petitioner, at the time of issuance of the impugned order, was working as the Head of Department and she was put on Time Scale of Pay and without putting her on notice and without affording her an opportunity of personal hearing, the impugned order came to be passed withdrawing the Time Scale of Pay and putting her on consolidated scale of pay and therefore, the said order is ex-facie illegal and prays for interference.

5.Per contra, Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice on behalf of the 2nd respondent, would submit that since the said courses have become inviable and taking into consideration of the fact that the courses were on Self-Finance pattern, a conscious decision was taken by the 3rd respondent/Board, to withdraw the Time Scale of Pay granted to the petitioner and by exhibiting the sympathetic consideration also, her services were retained as the Head of Department, but on consolidated pay and therefore, the impugned order is perfectly in order and prays for dismissal of this writ petition.

6.This Court carefully considered the rival submissions and perused the materials available on record.

7.As rightly contended by the learned counsel for the petitioner, admittedly, the petitioner was put on Time Scale of Pay and though the 3rd respondent/Board was of the opinion that the courses have become inviable and that it was in self-finance pattern, took a decision to withdraw the Time Scale of Pay and put her on consolidated pay basis. However, no opportunity whatsoever has been afforded to the petitioner before passing the impugned order. Thus the civil rights of the petitioner have been breached and hence, on this sole ground, the impugned order warrants interference.

8.In the result, the writ petition is partly allowed and the impugned order dated 09.07.2015 passed by the 4th respondent is set aside and the matter is once again remanded back to the 4th respondent for fresh adjudication. The 4th respondent shall put the petitioner on notice and after affording her an opportunity of personal hearing, pass orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner herein. No costs. Consequently, the connected miscellaneous petitions are closed. Arrears of salary, if any, shall also be disbursed at the earliest.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

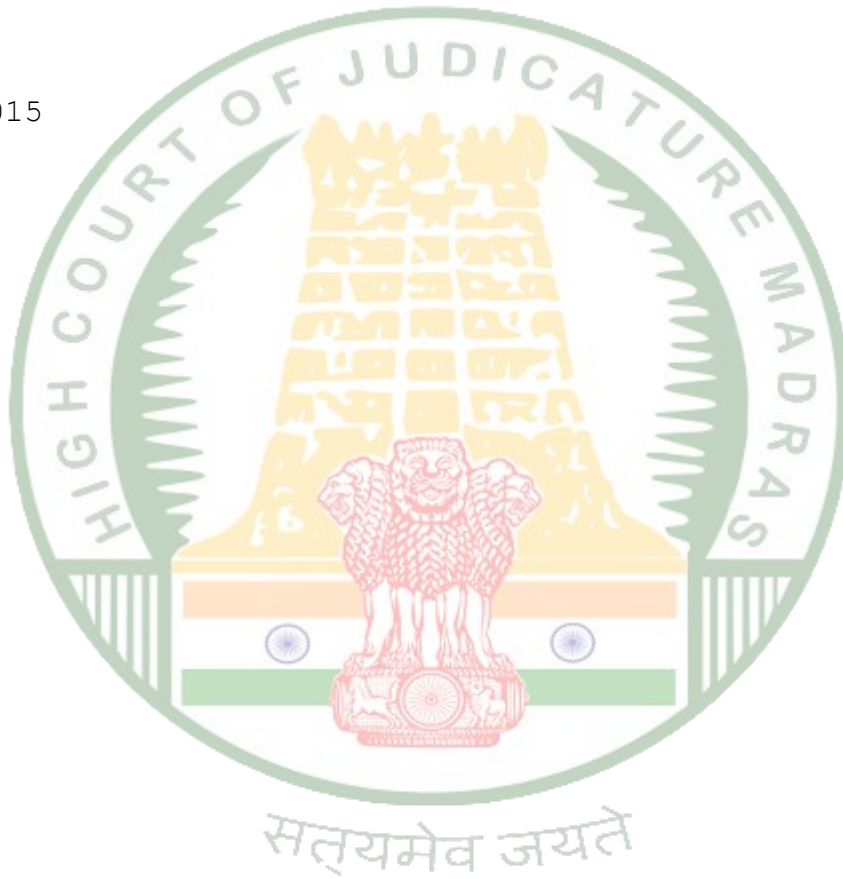
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+1 cc to Mr.S.Giridharan Advocate vide sr.40587
+1 cc to Government Pleader vide sr.40956

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