

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2016

CORAM

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Mr. JUSTICE M.VENUGOPAL

W.A.No.311 of 2015

- 1.The Anna University
rep. By its Registrar,
Chennai - 25.
- 2.The Vice Chancellor and
Chairman,
Board of Management (EM² and RC)
Anna University, Chennai - 25.
- 3.The Director,
Educational Multimedia Research
Centre (EM² & RC - AVRC),
Anna University, Chennai - 25. .. Appellants

Vs.

- 1.Dr.A.Raja
- 2.The Secretary,
University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi - 110 002.
- 3.The Director,
Consortium for Education
Communication,
Aruna Asaf Ali Marg, NSC Campus,
New Delhi - 110 067.
- 4.The Secretary to Government of
Tamil Nadu,
Higher Education Department,
Fort St. George, Chennai - 9. .. Respondents

Writ Appeal filed under Clause 15 of Letters Patent against the order dated 30.01.2015 made in W.P.No.26332 of 2011 filed under Article 226 of the constitution of India praying for a writ of certiorarified Mandamus calling for records relating to

the 6th respondent order made in Memo No. 016/AMMRC/AU/2010 dated 11.10.2010 to quash the same and consequently direct the respondents to accord Career Advancement and Promotions and other service benefits arising thereto forthwith

For Appellants .. Mr.M.Vijayakumar

For Respondents .. Mr.L.Chandrakumar for R1
Mr.P.R.Gopinathan for R2
Mr.K.Karthigeyan,
Government Advocate for R4
R3 - No appearance

JUDGMENT

(Judgment of the Court was delivered by SATISH K.AGNIHOTRI, J.)

With the consent of the learned counsel appearing for the appellants and the respective learned counsel for respondents 1, 2 and 4, the writ appeal is taken up for final disposal.

2.Assailing the order dated 30 January 2015 passed in W.P.No.26332 of 2011, whereunder, a direction was issued to the appellants herein to disburse the arrears of salary and other attendant benefits to the first respondent/writ petitioner, within a period of three weeks from the date of receipt of a copy of the order, the University has come up with the instant writ appeal.

3.The first respondent herein preferred a writ petition being W.P.No.26332 of 2011, seeking to quash the order dated 11 October 2010 with a direction to the appellants herein to accord career advancement and promotion and other service benefits arising thereto. The first respondent/writ petitioner was appointed as Producer in Audio Visual Research Centre of Anna University. The first respondent/writ petitioner made a request on 28 August 2008 to the University to consider him as Academic Staff and it was rejected by the impugned order dated 11 October 2010, holding that the post of Producer of Educational Multimedia Research Centre (EMMRC) is a non-academic post. Assailing the said order, the first respondent/writ petitioner preferred a writ petition. In the meantime, he retired from service on 31 January 2013, on attaining the age of 58 years. However, pursuant to the interim order granted by the Court, he continued and completed his service till 31 January 2015, on attaining the age of 60 years.

4.The learned single Judge, having regard to the factual matrix of the case, wherein the first respondent/writ petitioner worked as Producer in Audio Visual Research Centre

and had completed 60 years in service, directed the University to disburse the arrears of salary and other attendant benefits to the first respondent/writ petitioner. Feeling aggrieved, the University is before us in the instant appeal.

5.Learned counsel appearing for the second respondent/University Grants Commission would contend that the first respondent/writ petitioner comes within the category of Media Technical Staff and the age of retirement of the Media Technical Staff is 58 years. Thus the continuation thereafter is unauthorised and illegal and as such the first respondent/writ petitioner is not entitled to any salary and other attendant benefits.

6.Learned counsel appearing for the appellants University supports the contention of the learned counsel for the University Grants Commission and submits that the first respondent/writ petitioner is not entitled to any benefit for the period which he had worked beyond 58 years.

7.Be that as it may, the question, as to whether the age of retirement of the Producer in Audio Visual Research Centre is 58 years or 60 years, has become academic in the facts of the case. Since the first respondent/writ petitioner has already worked till he attained the age of 60 years in the same capacity, the second respondent viz., University Grants Commission, who used to pay the salary till 58 years is directed to pay all the benefits, which he was entitled to at the age of 58 years, for the period , he had worked till he attained the age of 60 years.

8.The writ appeal is disposed of with the aforestated modification. The necessary monetary benefits be disbursed to the first respondent/writ petitioner within a period of four weeks from today. The question of law as to whether a person comes within the Academic or Non-Academic Staff is left open in the facts of the case to be decided in an appropriate case. No costs.

Sd/-

Assistant Registrar(V)

//True Copy//

Sub Assistant Registrar

mmi

To

1.The Secretary,
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New Delhi - 110 002.

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6.The Director,
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Centre (EM² & RC - AVRC),
Anna University, Chennai - 25.

+ 2 ccs to MR.M.V.Jayakumar, Advocate Sr.20401
+ 1 cc to Mr.L. Chandrakumar, AdvocateSr.20679
+ 1 cc to Mr.P.R. Gopinathan, Advocate SR.20886

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