

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2016

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.206 of 2016

Dr.M.V.Subramanian

.. Petitioner

Vs.

The State of Tamil Nadu
Rep by its Principal Secretary to Government
Higher Education Department
Fort St.George, Chennai-9.

2.The Director of Collegiate Education
College Road, Chennai-6.

3.The Joint Director of Collegiate Education (P&D),
O/o.Director of Collegiate Education,
College Road, Chennai-6.

4.The Principal
H.H.The Rajah's Govt.Arts College (autonomous)
Pudukottai-622 001.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents 2 and 3 to implement the Government Order passed by the first respondent dated 11.08.2014 in GO.(1D).No.148, Higher Education (F2) Department with respect to counting the past services of the petitioner rendered in the Government Aided College for Career advancement of the petitioner as Associate Professor in Physics for the purpose of fixing the scale of pay, continuing the old pension scheme, changing the leave accounts etc, within the stipulate time prescribed by this Court.

For Petitioner : M/s.S.Vijayan

For respondents : M/s.M.L.Mahendran, GA

O R D E R

With the consent of both sides, the writ petition is taken up for final disposal.

2.The case of the petitioner is that he was appointed as Assistant Professor in the Department of Physics in Government

Aided Arts College on 25.10.1985. Thereafter, he was promoted as lecturer (Senior scale) on 25.10.1992 and he was awarded selection grade in the post of lecturer on 27.07.1998 and on 01.01.2006 he was promoted as Associate Professor.

3.The petitioner would state that in the year 2008-2009, when he was working as Associate Professor Sri Kumara Gurupara Swamigal Arts College, Srivaikuntam, he was selected by the TRB to the post of Lecturer in Physics and posted at Government Arts College, Thanthondimalai, Karur by GO.(Ms).No.224, Higher Education (F2) Department dated 07.07.2009. The petitioner would further state that he is entitled for the benefits under GO.(1D).No.148 Higher Education (F2) Department dated 11.08.2014 for refixation of scale of pay for continuing old pension scheme. The said benefits under the scheme were not implemented by the respondents 2 and 3, therefore he made representations dated 23.02.2015 and 17.07.2015 and 30.11.2015 requesting them to implement the said scheme. Since no order has been passed, the petitioner filed the present writ petition.

4.Heard the submissions of Mr.S.Vijayan, learned counsel appearing for the petitioner and M/s.M.L.Mahendran, Government Advocate who accepts notice on behalf of the respondents.

5.This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the respondents 2 and 3 to consider the representations of the petitioner dated 23.02.2015 and 17.07.2015 and 30.11.2015 and in the light of the GO.(1D). No.148 Higher Education (F2) Department dated 11.08.2014 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

6.The Writ Petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

To

1. The Principal Secretary to Government of Tamilnadu
Higher Education Department
Fort St.George, Chennai-9.

2.The Director of Collegiate Education
College Road, Chennai-6.

3.The Joint Director of Collegiate Education (P&D),
O/o.Director of Collegiate Education,
College Road, Chennai-6.

4.The Principal
H.H.The Rajah's Govt.Arts College (autonomous)
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1 cc to Mr.S. Vijayan, Advocate, Sr. 715
1 cc to Government Pleader, Sr. 958

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