

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.37020 to 37022 of 2016

W.P.No.37020 of 2016:

M.K.Aga Imam Khan

... Petitioner

Vs.

1. The Government of Tamil Nadu
Rep. by its Principal Secretary
Higher Education Department
Fort St. George
Secretariat Chennai-600 009.
 2. Director of Collegiate Education
College Road Chennai-600 006.
 3. The Principal
Government Arts College Cheyyar.
- Respondents

W.P.No.37021 of 2016:

T.Kulasekaran

... Petitioner

Vs.

1. The Government of Tamil Nadu
Rep. by its Principal Secretary
Higher Education Department
Fort St. George
Secretariat Chennai-600 009.
 2. Director of Collegiate Education
College Road Chennai-600 006.
 3. The Principal
Government Arts and Science College
Cheyyar.
- ... Respondents

W.P.No.37022 of 2016:

T.G.Nagarajan

... Petitioner

Vs.

1. The Government of Tamil Nadu
Rep. by its Principal Secretary
Higher Education Department
Fort St. George
Secretariat Chennai-600 009.

2. Director of Collegiate Education
College Road Chennai-600 006.

3. The Principal
A.A. Government Arts College
Cheyyar.

.... Respondents

Writ petitions have been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents 1 and 2 to consider the petitioners' representations dated 27.6.2016, 20.6.2016 and 9.6.2016 respectively and pay the salary to them for the period from 14.7.2008 to 12.10.2008 and 4.7.2008 to 12.10.2008 and 14.7.2008 to 12.10.2008 respectively.

For Petitioner : Mr.B.Ravi,
in all the Writ Petitions

For Respondents : Mr.V.Anandamoorthy
Additional Government Pleader
in all the writ petitions

COMMON ORDER

By consent, the main writ petitions themselves are taken up for final disposal.

2. The petitioners have come up with the present writ petitions for a mandamus, directing the respondents 1 and 2 to consider their representations dated 27.6.2016, 20.6.2016 and 9.6.2016 respectively and pay the salary to them for the period from 14.7.2008 to 12.10.2008 and 16.7.2008 to 12.10.2008 and 14.7.2008 to 12.10.2008 respectively.

3. It is the case of the petitioners that they retired as Associate Professors from the respective third respondent

college on 31.5.2008, 31.5.2007 and 31.5.2006 respectively and were re-employed in the same college as per G.O.Ms.No.274, Higher Education Department for the period from 14.7.2008 to 12.10.2008 and 16.7.2008 to 12.10.2008 and 14.7.2008 to 12.10.2008 respectively. In the said GO, it is stated that in the year 2005, Guest Lecturers were appointed since the Teachers' Recruitment Board had not commenced process of appointment of Lecturers. Thereafter, the said Guest Lecturers approached this Court for regularization of their services, but this Court directed the first respondent not to appoint Guest Lecturers, but make appointments through Teachers' Recruitment Board alone. Till the appointments are made by the Teachers' Recruitment Board, the first respondent decided to appoint Retired Government College Lecturers on consolidated pay taking into consideration the interest and welfare of the students. Accordingly, it has been decided to re-appoint the retired Lecturers, who are aged not above 62 years and they have to be paid the salary for the period after adjusting their pension amount. Based on this, the second respondent issued proceedings in Na.Ka.No.26173/D2/2008. With the implementation of UGC pay scale 1.1.2007, as per G.O.No.350 dated 9.9.2009, the petitioners were given revision in their pension. The same revision must be applied and their salary for the period 14.7.2008 to 12.10.2008 and 16.7.2008 to 12.10.2008 and 14.7.2008 to 12.10.2008 respectively has to be revised and difference in the salary has to be paid. In this regard, the petitioners made several representations to the second respondent. But, there was no response. Finally, they sent representations dated 29.6.2016, 20.6.2016 and 27.6.2016 respectively to the second respondent and the same were also not considered. Hence, left with no other alternative, the petitioners have come up with the present writ petitions for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the petitioners to send a fresh individual representations along with a copy of this order to the first respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the first respondent is directed to consider the said representations seeking payment of differential amounts and pass appropriate orders, on merits and in accordance with law, within a period of six weeks thereafter. It is made clear that this Court has not expressed any opinion with regard to the claim projected by the petitioners and it is for the first respondent to consider the

claim of the petitioners strictly on merits and in accordance with law. All the writ petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

sbi

To

1. The Principal Secretary
Government of Tamil Nadu
Higher Education Department
Fort St. George
Secretariat Chennai-600 009.
2. Director of Collegiate Education
College Road Chennai-600 006.
3. The Principal
Government Arts College
Cheyyar.
4. The Principal
Government Arts and Science College
Cheyyar.
5. The Principal
A.A. Government Arts College
Cheyyar.

+1cc to the Government Pleader, S.R.No.61562

W.P.Nos.37020 to 37022 of 2016

KK(CO)
CA(02/12/2016)

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