

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.588 of 2017
and
C.M.P.No.8228 of 2017

C.B.M.College,
Kovaipudur,
Coimbatore 641 042.
rep. by its Secretary, C.M.Ramraj

Appellant

Versus

1. The Association of University Teachers,
Tamil Nadu (Regd. No.74/1971),
C.B.M.College Unit rep. by its Secretary,
C.B.M.College, Kovaipudur,
Coimbatore 641 042.
2. The Government of Tamilnadu,
rep. by its Secretary to Government,
Higher Education Department,
Secretariat Fort St. George,
Chennai 600 009.
3. The Director of Collegiate Education,
College Road, Chennai 600 006.
4. The Regional Joint Director of
Collegiate Education,
Race Course Road,
Coimbatore Region Coimbatore.
5. The Principal,
C.B.M.College,
Kovaipudur, Coimbatore.

Respondents

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 27.4.2017 passed in W.M.P.No.7511 of 2017 in W.P.No.6291 of 2017 on the file of this court.

WMP.7511/2017 in WP.6921/17: Prayer to direct the 5th respondent to forwards the existing bills/proposal of the teaching and non-teaching staff of the 4th respondent college to the 3rd

erespondent without recourse to the 4th respondent in WMP.7511/17 in WP.6921/17

For appellant : Mr.G.Sankaran

For R1 : Mr.R.Mahesh for
Mr.R.Subramanian

For RR2 to 4 : Mr.P.S.Sivashanmugasundaram, Spl.G.P.

For R5 : Mr.V.Bhiman

JUDGMENT

(Judgment of the court was made by RMT.TEEKAA RAMAN, J.)

Challenging the correctness of the order passed in W.M.P.No.7511 of 2017 in W.P.No.6291 of 2017, the present writ appeal has been filed.

2. The order passed by the learned Single Judge, after hearing both the parties, reads thus:-

" There is no college Committee and no secretary available for the petitioner college. Hence, the petitioner has prayed for a direction to the fifth respondent, who is the Principal of the College to forward all the bills of the teaching and non-teaching staff of the fourth respondent to the third respondent.

2. Admittedly, there is no secretary available to the petitioner college. Hence, the third respondent is directed to entertain the bills forwarded by the fifth respondent and pass appropriate orders, pending disposal of the Writ Petition."

3. The learned counsel appearing for the appellant submitted that whenever any steps are being taken by the appellant, a minority private institution, the Association of University Teachers are making hue and cry as if there is non-payment of salary, etc., and in such a way, they are putting spokes in every steps being taken by the Management.

4. Per contra, the learned counsel appearing for the first respondent-Association would submit that the members of their association have not been paid salary even for the month of September, 2017.

5. From the submissions of the learned Special Government Pleader appearing for respondents 2 to 4, it appears that salary for the staff was sanctioned only upto August 2017, but, however, the Pay Bill for the period thereafter, has not reached them for want of due process and in this regard, it is not in

dispute that as of now, no Secretary is available for the College. Therefore, it is seen that as a stop gap arrangement, the learned Single Judge has directed the authority to entertain the bills submitted by the Principal of the College. It appears that the learned Single Judge has given such a direction only in the interest of smooth running of the Institution. Therefore, we do not find any reason to interfere with the order passed by the learned Single Judge.

6. In the result, the writ appeal is disposed of, however, considering the facts and circumstances of the case, we request the learned Single Judge to take up the main writ petition for disposal during the second week of November 2017. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. The Secretary to Government,
Government of Tamilnadu,
Higher Education Department,
Secretariat Fort St. George,
Chennai 600 009.
 2. The Director of Collegiate Education,
College Road, Chennai 600 006.
 3. The Regional Joint Director of
Collegiate Education,
Race Course Road,
Coimbatore Region Coimbatore.
 4. The Section Officer, Writ Section,
High Court, Madras.
- + 1 cc to Mr. G. Sankaran, Advocate SR.77150
+ 1 cc to Mr. R. Subramanian, Advocate Sr.77145
+ 1 cc to Government Pleader Sr.77382
+ 1 cc to M/s. V. Bhiman, Advocate Sr.76861

RK(CO)
EU(08/12/2017)

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