

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 02.03.2017
CORAM:
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
W.P.No.2161 of 2017
& WMP.Nos.2131 & 2132/17

G.Ragupathi

.. Petitioner

vs.

1.Pondicherry University,
Rep. by its Registrar,
R.V.Nagar,
Kalapet, Puducherry-605 014.

2.Joint Registrar (Admn.)
Pondicherry University,
R.V.Nagar,
Kalapet, Puducherry

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records from the 2nd respondent, quash the office order No.272 bearing No.PU/ESTT/NT10/2016-17/191 of the second respondent dated 23.01.2017 and consequently direct the respondents to restore the order of the 2nd respondent order No.50 dated 17.05.2016 bearing Ref.No.PU/ESTT/NT10/2016-17/27 and pass such other orders.

For Petitioner : M/s.Balan Haridas

For Respondents : Mr.Stalin Abhimanyu

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The learned counsel appearing for the petitioner would submit that the petitioner, at present working as Junior Engineer in the services of the Pondicherry University and vide order dated 09.04.2007, the respondent awarded the first benefit under ACP with effect from 18.12.2000 and granted pay scale of Rs.5000-150-8000 and thereafter, the respondent, vide order dated 27.11.2008, implemented the recommendations of the VI Central Pay Commission and issued provisional pay fixation order in the post of Junior Engineer (Civil). The second respondent, vide order dated 07.2.2010, has extended financial upgradation under the Modified Assured Career Progressive Scheme (MACP) and the petitioner was placed in the pay scale of Rs.9300-34800 +

Grade Pay of Rs.4600/- with effect from 01.09.2008. It is the further submission of the learned counsel appearing for the petitioner that the petitioner also got promotion to the post of Assistant Engineer on regular basis with effect from 01.03.2016 and his pay scale was fixed at Rs.9300-34800+ Grade Pay of Rs.5400/- with effect from 01.03.2016 and it has been arrived at Rs.19,100/- after notional increment and his next increment is due on 01.07.2017. However, to his shock and surprise, the second respondent has passed the impugned order dated 23.01.2017, refixing his pay scale and thereby reducing his pay and since the said order has been passed in violation of the principles of natural justice, prays for interference.

3. Per contra, Mr.Stalin Abhimanyu, learned counsel appearing for the respondent would contend that taking note of the various orders, a fair decision has been taken to issue revised orders with regard to fixation of pay to the petitioner; otherwise the petitioner would be gaining unjust enrichment and prays for dismissal of this writ petition.

4. This Court has considered the rival submissions and also perused the entire materials placed before it.

5. A perusal of the impugned order would clearly indicate that before passing revised orders as to the fixation of pay of the petitioner, the petitioner has not been afforded with any opportunity whatsoever, which is per se in violation of the principles of natural justice and on the sole ground, the said order warrants interference.

6. In the result, this Writ Petition is partly allowed and the order No.272 bearing No.PU/ESTT/NT10/2016-17/191 of the second respondent dated 23.01.2017 is set aside and the second respondent is directed to issue show cause notice to the petitioner containing the reasons for revision of fixation of pay within a period of two weeks from the date of receipt of a copy of this order and upon receipt of the same, the petitioner is at liberty to submit his explanation/response within a period of two weeks thereafter and on receipt of the said explanation/response, the second respondent is directed to consider the said explanation/response and pass final orders within a further period of four weeks thereafter and communicate the decision taken to the petitioner. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

jvm

To

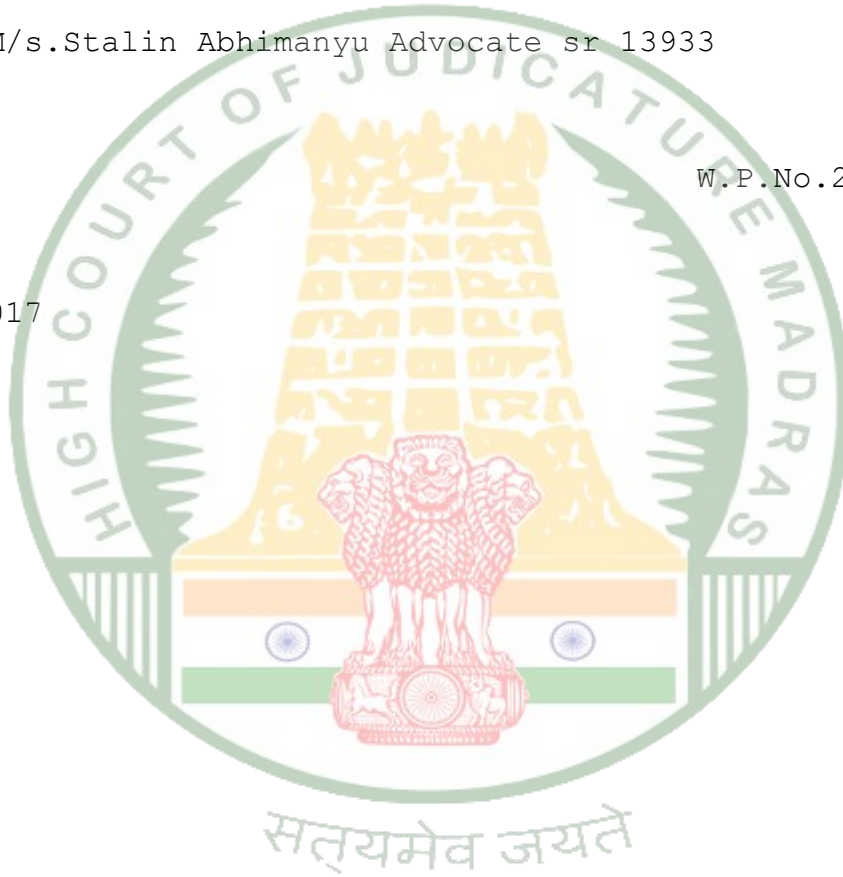
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Kalapet, Puducherry-605 014.

2.Joint Registrar (Admn.)
Pondicherry University,
R.V.Nagar,
Kalapet, Puducherry

+1 cc to M/s.Stalin Abhimanyu Advocate sr 13933

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