

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:14.03.2018
CORAM

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A.No.932 of 2014

K.R.Palanisamy

...Appellant

Vs

1. The Director,
Institute of Road Transport,
Taramani, Chennai - 600 113

2. The Principal,
Institute of Road Transport Technology,
Erode, Erode District.

...Respondents

Prayer:- Writ Appeal filed under Clause 15 of Letter Patent Act, to set aside the order dated 25.04.2014 passed in W.P.No.19334 of 2004.

WP.No.19334/2004:Writ petition filed under Article 226 of the Constitution of India for a writ of certiorarified mandamus to call for the entire records of the respondent pertaining to the 2nd respondent's Letter dt.26/9/2000 under his reference IRTT/ADI/EST4/TB/2000 and quash the same and directing the respondents to refix the scale of pay of the petitioner in accordance with the scale of pay as fixed by the AICTE time to time for the post of physical director with effect from 1.1.86 and also pay the arrears of the petitioner's salary calculation on that basis from 1/1/86 upto date.

For Appellant : Mr.R.Kannan

For Respondent : Mrs.Kala Ramesh (for R1)
R2-NA

JUDGMENT

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

The Writ Petition filed by the appellant in W.P.No.19334 of 2004 was dismissed by the learned single Judge on the ground that the Institute of Road Transport Technology is not a "State", within the meaning of Article 12 of the Constitution of India and the Writ Petition is not maintainable against the order passed by the said Institution.

2. We have heard the learned counsel for the appellant. We have also heard the learned Standing Counsel for the Institute of Road Transport Technology.

3. The question as to whether the Institute of Road Technology is a "State" within the meaning of Article 12 of Constitution of India was considered by this Court in the Writ Petition in W.P.No.16236 of 1990 (P.Palanivel Vs. The Director, Institute of Road Transport, Taramani, Madras and another) . The learned single Judge, on analyzing the entire facts arrived at a conclusion that the Institution is a "State" under Article 12 of Constitution of India. The said order dated 12 March 1992 has become final.

4. The learned Single Judge, notwithstanding the earlier view that the Institution is a "State" within Article 12 of the Constitution of India, opined that the Writ Petition is not maintainable. In view of the binding precedent, we are not in a position to support the decision taken by the learned Single Judge.

5. The order dated 25 April 2014 is set aside. The Writ Petition in W.P.No.19334 of 2004 is remanded to the Writ court for fresh consideration on merits.

7. The Intra Court Appeal is allowed as indicated above. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1. The Director,
Institute of Road Transport,
Taramani, Chennai - 600 113
2. The Principal,
Institute of Road Transport Technology,
Erode, Erode District.

+lcc to Mr.R.Kannan, Advocate Sr.No.19126
+lcc to Mrs.Kala Ramesh, Advocate Sr.No.19204

SS(CO)
sm:10.4.2018