

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2018

CORAM :

THE HONOURABLE Mr.JUSTICE R.SUBBIAH

Contempt Petition No.978 of 2018

Mr.Rajendran

Petitioner

Vs.

Mr.Yasam Lakshmi Narayana Reddy,
Member Secretary,
Puducherry Institute of Post Matric Technical
Education (PIPMATE) sponsored by
The Government of Puducherry, Lawspet,
Puducherry.

Respondents

Contempt Petition filed under Section 11 of the
Contempt of Court Act, to punish the respondent for wilful
disobedience of the order dated 12.12.2013 in W.P.No.33724
of 2013 passed by this Court.

For Petitioner : Mr.A.R.Nixon

For Respondent : Mr.T.M.Naveen

ORDER

This Court, by order dated 12.12.2013 in M.P.No.1 of
2013 in W.P.No.33724 of 2013, has granted an interim order
of *status quo* to be maintained by the respondent. The
present contempt petition has been filed by the petitioner
alleging non-compliance of the said interim order passed

2.It is stated by the petitioner that while the petitioner was working as Senior Lecturer, Selection Grade (Mathamatics), in Women's Polytechnic College, Karaikalmedu, Puducherry, he was issued with a circular on 18.11.2013. The petitioner had filed a writ petition in W.P.No.33724 of 2013 along with a stay petition, to declare the said Circular as null and void, contending that the said Circular is passed without following the Notification issued by the 2nd respondent in Writ Petition viz., All India Council for Technical Education, dated 05.03.2010 published in Part III Section IV of Gazette of India Extraordinary. When the said writ petition came up before this Court on 12.12.2013, this Court has passed an interim order of status quo to be maintained by the respondent. According to the petitioner, on the date of passing the said interim order of status quo, he was working as Senior Lecture. But, subsequently, the petitioner was transferred from Karaikal Polytechnic to IGPTC, Mahe, wherein no sanctioned senior lecture post is available. Questioning the transfer order, the petitioner filed another writ petition in W.P.No.30616 of 2017, which is pending. According to the petitioner, the intention of passing the order transferring the petitioner from Karaikal to Mahe is with ulterior motive to defeat the accrued legal rights of the petitioner. On 07.09.2007, PIPMATE passed an order creating the post of Senior lecturers and the petitioner

was promoted to the said post on 08.05.2008. Until the date of transfer, the petitioner has been designated as Senior Lecturer as evidenced from pay-slip issued by the respondent. On the other hand, in order to float the orders of this Court, with an intention to defeat the petitioner's right, the respondent has transferred the petitioner to the place where the post of senior lecturer was not available, thereby the respondent has interfered with the order passed by this Court. Thus, the petitioner has filed the present contempt petition.

3.The respondent has filed a detailed counter affidavit stating that the petitioner was appointed as Lecturer in Mathematics on 22.11.1994 in PIPMATE. On 13.05.2008 he was promoted to the post of Senior Lecturer and posted at Karaikal Polytechnic College, Karaikal. Thereafter, the respondent has implemented the Regulation 2010 and merged the cadre of Senior Lecturer with the cadre of Lecturer on 15.09.2010 itself with effect from 01.01.2006, providing all the consequential benefits, including very higher pay scale, and reduced the teaching hours. All the teaching staff, including the petitioner, have accepted the said Regulation, merger, the very higher pay scale, reduced teaching hours and received arrears of salary. They are receiving the said very higher pay scale from 15.09.2010 every month. As per the Transfer Policy,

the petitioner was transferred to the IGPTC, Mahe and he is working as Lecturer in the said College. It is further stated that in accordance with the Revision of Pay Scales of Central Government Employees based on the recommendations of the VI Central Pay Commission, the Ministry of Human Resource Development, Department of Education, Government of India has implemented the Scheme of Revision of Pay Scales of Teachers of Degree Level Technical Institutions. Based on the said Scheme, the AICTE in concurrence with the Ministry of Human Resources Development, Government of India and in line with the Revised Pay Scales of Teachers of Degree Level Technical Institutions and the Associated Service Conditions, has framed 'The AICTE (Pay Scales, Service Conditions & Qualifications for the Teachers and other Academic Staffs in Technical Institutions (Diploma) Regulation, 2010". Hence, those Institutions including the PIPMATE cannot separate the norms, standards and benefits prescribed/provided in the Regulation 2010 according to their convenience and implement some of them at their choice. Similarly, the Teaching and other Academic Staff of those Institutions, including the Petitioner working in the PIPMATE cannot also separate those norms and standards. The PIPMATE is bound to implement the Regulation 2010 in toto. Hence, the creation of the cadre of Senior Lecturer, promotion of the petitioner and others to the

said post, the Seniority List prepared for the same by the PIPMATE in the meantime through the Orders/Memorandum dated 10.08.2007, 07.09.2007 & 08.05.2008, had automatically got nullified and stood modified in accordance with the Regulation 2010. Therefore, only two tier functional posts of Lecturer & Head of Department are existing in the four Polytechnic Colleges established and run by the PIPMATE and no post of Senior Lecturer is existing in any of the said four Polytechnic Colleges with effect from 01.01.2006. While so, the petitioner suppressing the above facts has filed the writ petition and obtained the interim order. On the date of granting interim order, the cadre of Senior Lecturer was merged with the cadre of Lecturer with effect from 01.01.2006. Therefore, the questioning of committing contempt of the order passed by this court does not arise in this case. Thus, the respondent prayed for dismissal of the contempt petition.

4. Heard the submissions made on either side and perused the materials available on record.

5. No doubt, this Court has passed the interim order of status quo. Now, it is the grievance of the petitioner that he has been re-designated as lecturer instead of Senior Lecturer and he has been transferred from Karaikal to Mahe. Challenging the transfer order, the petitioner

has also filed another writ petition in W.P.No.30616 of 2017. Hence, in view of the statement made in the counter affidavit, this Court is of the view that the question of committing contempt as alleged by the petitioner does not arise in this case, since the cadre of Senior Lecturer has been merged with the cadre of Lecturer with effect from 01.01.2006 by implementing the Regulation 2010. The petitioner can redress his grievance in the main writ petitions. Hence, the contempt petition is closed.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

ssv

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

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