

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on :13.09.2017
Pronounced on : 05.02.2018

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.7953 of 2004

C.Ramalingam

.. Petitioner

Vs.

1.The Union of India,
by Deputy Secretary,
Department of Education,
Ministry of Human Resource Development,
Government of India, Sastri Bhavan,
New Delhi - 110 001.

2.The Chairman,
All India Council for Technical Education,
IG Sports Complex,
IP Estate,
New Delhi - 110 002.

3.The Director,
All India Council for Technical Education,
Southern Regional Office,
26, Haddows Road,
Chennai - 600 006.

4.The Vice Chancellor,
Anna University,
Chennai - 600 025, India.

5.The Managing Trustee,
P.S.G.College of Technology,
Peelamedu, Coimbatore - 641 004.

6.The Principal,
P.S.G. College of Technology,
Peelamedu, Coimbatore 641 004.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India, to issue a writ of Mandamus, directing

the Respondents herein to implement the revised AICTE scales of pay from 01.01.1996 as per the AICTE Notification, Appendix-D, Table D-1, in so far as the Petitioner is concerned.

For Petitioner : Mr.N.Karthikeyan

For Respondents : Mr.T.V.Krishnamachari (for R1)
SPCCG

Mr.N.Muralikumaran (for R2 and R3)
ACGSC

Mr.D.Balaraman (for R5 and R6)

Mr.M.Vijayakumar (for R4)

O R D E R

The brief facts required for the disposal of the above Writ Petition is that the petitioner herein namely C.Ramalingam has filed the instant Writ Petition under Article 226 of Constitution of India seeking for a direction to the respondents herein to implement the revised AICTE scale of pay from 01.01.1996 as per the AICTE notification, Appendix-D, Table D-1, insofar as petitioner is concerned.

2.It is the case of the petitioner that he was appointed as a lecturer in the year 1980 in the department of Management Science under the 6th respondent institution. His appointment was approved by the Director of Technological Education and Deputy Educational Advisor (TSRO). Thereafter he underwent promotion and was appointed as Assistant Professor in the Department of Management Science of the 6th respondent institution.

3.In the meantime the 1st respondent herein issued orders vide his letter No.37/104/95-Ts II dated 09.10.1998 implementing the scheme of revision of pay scales of teachers in technical institution, by following revision of pay scales of central government employees on the recommendation of the 5th central pay commission. In furtherance the All India Council for Technological Education notified the above revised pay scale as to be implemented by directing the eligible persons therein to confer with implementation of revised pay scale with effect from 01.01.1996.

4.The petitioner is one such person entitled to be conferred with the revised scale with effect from 01.01.1996. However the 6th respondent institution failed to confer petitioner with the above revised pay scale, which remain at an enhanced rate than that of his actual pay. Therefore he made several representations to the 5th respondent college to adhere with the above notification issued by the 2nd respondent and further he also represented his grievance before the respondents 2 to 4 herein, as being the bodies to which the 6th respondent institution is affiliated. However as all his attempts ended in vain he is before this Court praying for a direction with the prayer stated supra.

5.I heard Mr.N.Karthikeyan, learned counsel for the petitioner and Mr.T.V.Krishnamachari, learned SPCCG for the 1st respondent, Mr.N.Muralikumaran, learned ACGSC for the respondents 2 and 3, Mr.D.Balaraman, learned counsel for the respondents 5 and 6 and Mr.M.Vijayakumar, learned counsel for the 4th respondent and perused the entire records.

6.When this matter was taken up today for hearing the Learned Counsel for the respondent brought to notice that in an earlier occasion this Court in W.P.No.33589 of 2004 filed by the very same petitioner herein, vide an Order dated 17.08.2006 it is found to be held that the petitioner had never been a grant in aid staff of PSG College of Technology, Coimbatore. Again this Court's attention was drawn to an Order of this Court made in yet another Writ Petition in W.P.No.613 of 2007 filed by the very same petitioner herein whereby the above writ petition was dismissed as not maintainable, since the petitioner was held to be working under a self finance institution.

7.In such circumstance this Court is not in a position to sustain the claim of the petitioner. It is further seen that it is the contention of the respondents 5 and 6 herein in the above writ petition in W.P.No.33589 of 2004 that the petitioner had never been appointed as a Grant-in-Aid staff of PSG College of Technology, Coimbatore.

8.It is further contended that the 6th respondent for the course of the Master Degree programme in Business Management studies, had never got aid from the state government. It was only the Central Government which undertook to reimburse 50% of the non-recurring expenditure and 50% of the recurring expenditure for a period of 5 years from 1974-75 onwards. The

request made by the College to the state government for meeting the expenditure of conducting the Master Degree Programme in Management had been returned down. The petitioner has misconstrued the fact relating to his appointment and had been under the wrong notion that he was a Grant-in-Aid staff and it is further contended that the petitioner was only a non-grant category staff.

9. Again it is noticeable that the contention of the Director of Technical Education, Chennai in the above writ petition has filed counter contending that that the respondent college had never been under the Grant-In-Aid scheme with regard to the Master Degree Course in Business Management.

10. After keen contest it was held by this Court that the petitioner had never been a Grant-In-Aid staff of 6th respondent institution.

11. It would be noteworthy that it is the specific case of the petitioner that he is entitled for the above reliefs only in the view and in consequence of this approval said to have been sanctioned by the Director of Technical Education. Whereas, the case of Director of Technical Education is that the petitioner is not a Grant-In-Aid staff. Again admittedly the Director of Technical Education is not made as a party to this writ petition by the petitioner.

12. In the said circumstance this Court is not in a position to go into the merits of the claim made by the petitioner since it involves disputed question of facts which cannot be gone through by this Court.

13. For the foregoing reason and in view of the earlier decisions of this Court stated above, I find this petition is devoid of merits. Hence the present Writ Petition fails and the same is hereby dismissed. However it is made clear that the dismissal of the present Writ Petition will not stand in the way of the petitioner's claim if any arising out of any subsequent development or with regard to any future claim arising out of petitioner's service. No costs.

Sd/-

Assistant Registrar (CS-CCC)

//True Copy//

Sub Assistant Registrar

vs

To

- 1.The Deputy Secretary,
Union of India,
Department of Education,
Ministry of Human Resource Development,
Government of India, Sastri Bhavan,
New Delhi - 110 001.
- 2.The Chairman,
All India Council for Technical Education,
IG Sports Complex,
IP Estate,
New Delhi - 110 002.
- 3.The Director,
All India Council for Technical Education,
Southern Regional Office,
26, Haddows Road,
Chennai - 600 006.
- 4.The Vice Chancellor,
Anna University,
Chennai - 600 025, India.

+1cc to Mr.B.RABU MANOHAR, Advocate, S.R.No. 8243
+1cc to Mr.M.VIJAYAKUMAR Advocate, S.R.No.8334
+1cc to Mr.D.BALARAMAN, Advocate, S.R.No. 8132
+1cc to Mr.T.V. KRISHNAMACHARI, Advocate, S.R.No. 8246

order made in
W.P.No.7953 of 2004

TR(13/03/2018)

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