

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M. DHANDAPANI

W.P.No.12469 of 2006

Association of Self Financing Teacher,
represented by its General Secretary,
Mr.M. Muthuswamy,
Pachaiyappan College,
Chennai - 600 030.

...Petitioner

Vs

1. The Registrar,
Madras University,
Chennai.
2. The Principal,
Pachaiyappa's College,
13, E.V.R. Periyar Road,
Chetpet, Chennai.
3. The Administrator General and
Official Trustee of Tamil Nadu,
Administrator Pachaiyappa's Trust,
High Court, Chennai.
4. The Regional Provident Commissioner,
Provident Fund Office,
Royapettah,
Chennai - 600 014.
5. The Director,
Southern Regional Office of AICTE,
Southern Regional Office,
Shastri Bhavan,
Chennai - 600 006.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the third respondent to fix scale of pay of the members of the petitioner Association.

For Petitioner : Mr.R. Ramanlaal
For Respondent-1 : M/s. Kandavel Duraisamy

For Respondents 2&3 : Mr.M. Devendran

For Respondent-4 : Mr.Gunasekar

For Respondent-5 : Mr.N. Murali Kumaran

O R D E R

The relief sought for in this writ petition is to direct the 3rd respondent for fixation of time scale of pay for the members of the Petitioner Association.

2. After filing this writ petition, the writ petitioner was removed from service and the same was challenged before this court in writ petition No.12469 of 2006. Subsequently, the petitioner was removed from service, hence, nothing survives for adjudication. This writ petition has been filed for issuance of Writ of Mandamus directing the third respondent to fix the time scale of pay of the members of the Petitioner Association and pass such further orders.

3. Admittedly, the third respondent (Administrator General of Official Trustee of State of Tamil Nadu) is the Administrator Pachaiyappa's Trust and the third respondent is not coming under the purview of the definition of State. Hence, the relief sought for in this writ petition for issuance Writ of Mandamus cannot be issued against the private respondent and further more, the General Secretary of the Association filed a writ of mandamus for fixation of time scale of pay of the members of the Petitioner Association and subsequently, the General Secretary of the Association was removed from service by the Pachaiyappa's College and challenge of removal order was also dismissed by this Court against which writ appeal was also filed and the same was also dismissed. However, the third respondent is even not coming under the purview of the State. The Administrator was appointed for the maintenance of day to day function of the college. The Administrator cannot take any independent decision for fixation of time scale of pay.

4. In view of the above, the prayer sought for in this writ petition cannot be granted. Accordingly, the writ petition is dismissed. No costs.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Registrar,
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Chennai.

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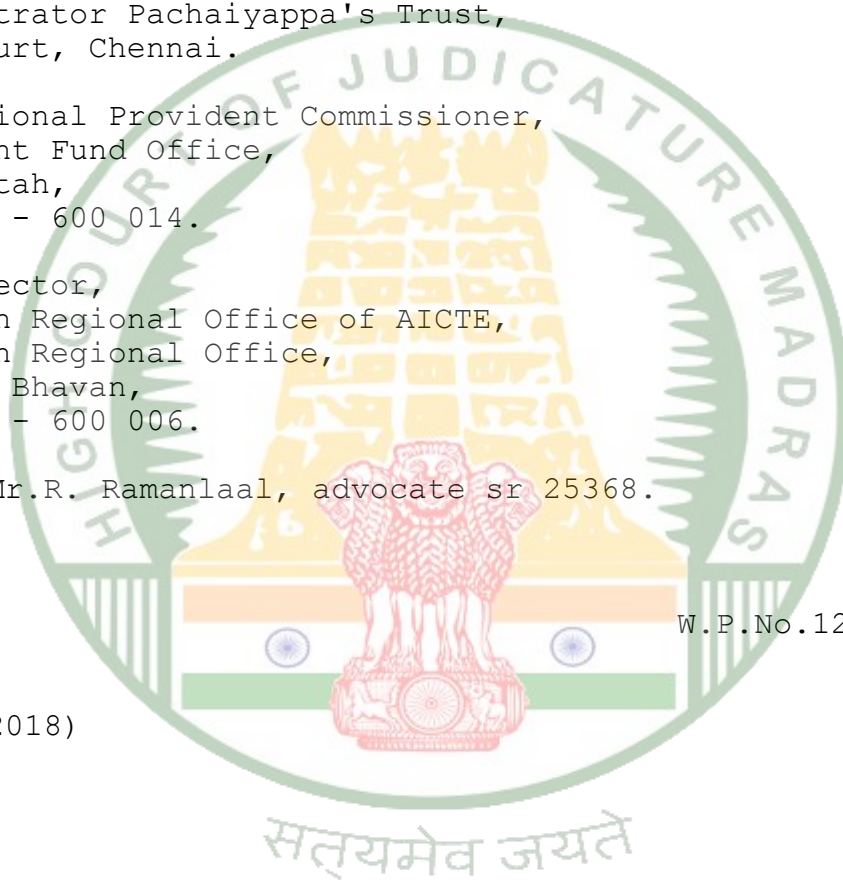
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Chennai - 600 006.

+1 CC to Mr.R. Ramanlal, advocate sr 25368.

W.P.No.12469 of 2006

MP (CO)
SP (25/04/2018)



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