

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2018

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.31892 of 2017
and W.M.P.No.1831 of 2018

P.Nelson

... Petitioner

Vs

The Registrar,
Indian Institute of Technology-Madras,
Chennai - 600 036.

... Respondent

Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records pertaining to impugned order of the respondent F.No.Admn.2/B4/2017/886 dated 16.10.2017 that has withdrawn preemptively the pension benefits which were granted by removing the anomaly in the petitioner's pay scales by the 217th Board of Governors Meeting dated 19.07.2013 Item 2.12 effected only in pension and quash the same.

For Petitioner : Mr.Dr.D.K.V.Gangatharan

For Respondent : Mr.Menon Karthik Mukundan

O R D E R

This Writ petition is filed challenging the order dated 16.10.2017, wherein and whereby, the replacement scales and financial upgradation given to the petitioner were withdrawn.

2. The main grievance of the petitioner against the impugned proceedings is that the same is passed in violation of principles of natural justice as no notice was issued to the petitioner before making such withdrawal.

3. Today when the matter is taken up for hearing after notice, learned counsel appearing for the respondent, based on instruction submitted that admittedly, no notice was issued to

the petitioner before passing the impugned order. Therefore, he fairly submitted that liberty may be given to the respondent to proceed afresh against the petitioner in accordance with law after issuing notice.

4. Considering the above stated facts and circumstances and in view of the admitted position that the impugned order of withdrawal of replacement scales and financial upgradation given to the petitioner came to be passed without notice to the petitioner, this Court is inclined to interfere with the said order only on the ground of violation of principles of natural justice.

5. Accordingly, the Writ Petition is allowed and the impugned order is set aside. However, liberty is given to the respondent to proceed against the petitioner, if there are valid grounds to do so by following due procedure. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS. III)

//True Copy//

Sub Assistant Registrar

vsi

To

The Registrar,
Indian Institute of Technology-Madras,
Chennai - 600 036.

+1 cc to Mr.Menon Karthik Mukundan, Advocate SR.No.88664

+2 cc to Mr.Dr.D.K.V.Gangatharan, Advocate SR.No.88749

W.P.No.31892 of 2017

SSD(CO)
CSL/21.01.2019

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