



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 23.11.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A (MD)Nos.1265 & 1266 of 2018 and
CMP(MD)Nos.8837 & 8838 of 2018 and
CMP(MD)Nos.10090 and 10091 of 2018

The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram,
Cuddalore District.

... Appellant/Respondent/Respondent
in both writ appeals

vs.

M.Dhanasekara Pandian

... Respondent/Petitioner/
Writ Petitioner in
WA(MD)No.1265/18

R.V.Nagendran

... Respondent/Petitioner/
Writ Petitioner in
WA(MD)No.1266/18

Prayer : Writ Appeals filed under clause 15 of the Letters Patent, to set aside the order dated 16.05.2018 passed by this Court in WMP (MD)Nos.10144 & 10146 of 2018 in WP(MD)Nos.11068 & 11069 of 2018.

Prayer in WMP(MD)No.10144/ 2018 :

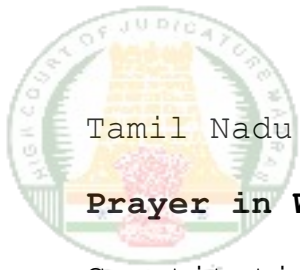
To pass an Ad-interim direction directing the respondent to implement the monetary benefits of the Tamil Nadu Revised Pay Rules 2017 till the pending disposal of the writ petition

Prayer in WMP(MD)No.10146/ 2018 :

To pass an Ad Interim Direction directing the respondent to implement the monetary benefits of the Tamil Nadu Revised pay Rules 2017 till the pending disposal of the Writ Petition.

Prayer in WP(MD)No.11068/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the respondent in No.Esst/2018 dated 24.04.2018 and quash the same as illegal and unlawful and consequently direct the respondent to implement and revise the petitioner s scale of pay in the cadre of Special Officer Grade - I in accordance with the



Tamil Nadu Revised Pay Rules 2017

Prayer in WP(MD)No.11069/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the respondent in No.Estt / 2018 dated 24/04/2018 and quash the same as illegal and unlawful and consequently direct the respondent to implement and revise the petitioners scale of pay in the cadre of Liaison Officer in accordance with the Tamil Nadu Revised Pay Rules 2017.

For Appellant : Mr.Ajmalkhan, Senior Counsel
in both appeals
For Respondent : Mr.R.Venkataraman, Senior Counsel
for Mr.J.Pooventherarajan
in both appeals

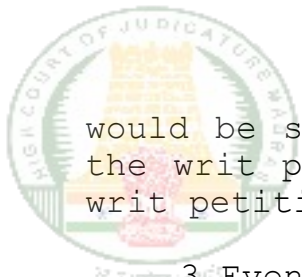
JUDGMENT

(Judgment of the Court was delivered by G.R.SWAMINATHAN, J.)

The petitioners in WP(MD)Nos.11068 and 11069 of 2018 are employees of Annamalai University. The administration of the Annamalai University came under the control of the Government of Tamil Nadu following the enactment of the Annamalai University Act, 2013. G.O Ms.No.303, Finance (Pay Cell) Department, dated 11.10.2017 was issued to revise the pay structure of the government employees. The same was resolved to be adopted in the case of the Annamalai University employees also. While calling for the consent of the University employees for migration to the revised pay scale, Special Officers/Liaison Officers were excluded from the implementation of the benefits of the said G.O.Ms.No.303 dated 11.10.2017. Paragraph No.3 of the Circular dated 24.04.2018 issued by the Annamalai University reads as follows :

"Accordingly the Non-teaching employees of the University (Except Zonal Officer, Liaison Officer, Special Officer Grade-I/Grade-II and Deputy Farm Superintendent/Deputy Garden Superintendent / Orchard Manager / Farm Supervisor/ Horticulturist) are directed to submit the option form which can be downloaded in the University Website <http://www.annamalaiuniversity.ac.in>. The option form should reach to the Establishment Section concerned on or before 26.04.2018. Failing which it will be construed that the individual is willing to opt to fix pay in the Tamil Nadu Revised Pay Rules, 2017."

2.The validity of the said circular was put to challenge in the aforesaid two writ petitions. The learned Single Judge, before whom the writ petitions came up for admission, by order dated 16.05.2018 granted interim injunction as sought for in WMP(MD)Nos.10144 and 10146 of 2018. It was however clarified that the injunction order



would be subject to the result of the final order to be passed in the writ petitions. Questioning the interim orders granted in the writ petitions, these intra court appeals have been filed.

3. Even while entertaining the writ appeals, the Division Bench by order dated 11.09.2018 had directed that the order dated 16.05.2018 passed by the learned Single Judge was to be kept in abeyance. The writ petitions have also been posted before us.

4. We are of the view that the writ petitions should be heard by the learned Single Judge only. Otherwise, the parties will lose a right of appeal. Since the interim order granted by the learned Single Judge has been earlier ordered to be kept in abeyance by the Division Bench, interests of justice would be better served by expediting the disposal of the writ petitions themselves.

5. We request the Hon'ble Single Judge holding the roster to take up the writ petitions for final hearing on 07.12.2018. The interim order granted by the Division Bench on 11.09.2018 in the writ appeals will hold good till the disposal of the writ petitions.

6. Both the writ appeals are disposed of on these terms. Registry shall list the writ petitions before the Hon'ble Single Judge holding the roster on 07.12.2018. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-IV)

To
The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram, Cuddalore District.

Copy To :-

The Section Officer, Writ Section,
Madurai Bench of Madras High Court,
Madurai.

+ 2 CC TO Mr.J.POOVENDRAN, ADVOCATE IN SR No. 96920 & 96921
+ 2 CC TO M/s.AJMAL ASSOCIATES, IN SR No. 97152 & 97153

SKM
TE/BK/SAR-4 : 07/12/2018 : 3P/7C

W.A (MD) Nos.1265 & 1266 of 2018 and
CMP (MD) Nos.8837 & 8838 of 2018 and
CMP (MD) Nos.10090 and 10091 of 2018
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