

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.12.2019

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THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.16450 of 2014

Dr.K.Perumalsamy

..Petitioner

Vs

1. State of Tamil Nadu rep.by Secretary,
Agriculture Department,
Fort St.George, Chennai.
 2. The Director of Local Fund Audit,
Kuralagam Buildings,
Chennai.
 3. The Registrar,
Tamil Nadu Agriculture University,
Coimbatore-641003.
- ... Respondents

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of certiorarifie Mandamus to call for the records relating to the order of the third respondent in No.A4/2874/2013 dated 10.12.2013 and quash the same and further direct the respondents to pay salary retrospectively from 15.03.2008 to the petitioner and pay all arrears of salary and pension.

For Petitioner : M/s.K.M.Ramesh

For Respondent : Mr.J.Ramesh,

Additional Government Pleader-R1 & R3

Mr.Abdul Saleem - R2

O R D E R

The prayer sought for in the Writ Petition is to call for the records relating to the order of the third respondent in No.A4/2874/2013 dated 10.12.2013 and quash the same and further direct the respondents to pay salary retrospectively from 15.03.2008 to the petitioner and pay all arrears of salary and pension.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 & 3 and the learned counsel appearing for the 2nd respondent.

3. The case of the petitioner is that the petitioner was appointed as University Library Assistant in the respondent University and even though he attained the eligibility to the post of University Librarian on 15.03.2008, he was appointed as University Librarian on 31.07.2009 by the third respondent. Subsequently retired from service on attaining superannuation on 28.02.2010. As per G.O.Ms. No. 270 dated 08.10.2001, the promotion under Career Advancement Scheme will be done as per procedure already followed in the University and all the benefits for the individual has to be given from the date of attainment of service eligibility of the individual though selection is done at a later date. In view of the above G.O., the petitioner has made a representation to the 3rd respondent to pay the arrears of salary from the date of attainment of service eligibility i.e from 15.03.2008. But the said representation was rejected by the 3rd respondent vide impugned order dated 10.12.2013. Challenging the same, the present writ petition is filed.

4. The learned counsel for the petitioner submitted before this Court that in an identical matter in W.A.Nos. 1475 of 2014 and 1173 of 2019, the Division Bench of this Court has set aside the order passed by the respondent therein and remitted back to the authorities to consider afresh and pass appropriate orders. The relevant portion of the judgment is extracted below;

"7. We are of the view that the claim made by the appellant must deserve consideration by the Tamilnadu Agricultural University taking into account the letter in R.c. No.61002/UA3/2007-1, dated 19.09.2008.

8. We direct the Tamilnadu Agricultural University to consider the case of the appellant for career advancement including promotion in the light of the order dated 27.09.2012 in W.P. No.9450 of 2011 and the related proceedings issued by the Registrar, Tamilnadu Agricultural University dated 09.02.2013 complying with the order dated 27.09.2012 in W.P. No.9450 of 2011. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this Judgment."

5. The issue involved in the present writ petition is covered by the judgment passed by the Division Bench of this

Court cited supra. Therefore, by following the decision rendered by the Division Bench of this Court, I am inclined to pass following orders;

(i). The impugned order passed by the third respondent dated 10.12.2013 is quashed.

(ii). The respondent University is directed to consider the representation of the petitioner afresh in the light of the judgment of the Division Bench of this Court made in W.A.Nos. 1475 of 2014 and 1173 of 2019, dated 09.07.2019 and pass appropriate orders on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

With the above directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS I)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary, State of Tamil Nadu
Agriculture Department,
Fort St.George, Chennai.
2. The Director of Local Fund Audit,
Kuralagam Buildings, Chennai.
3. The Registrar,
Tamil Nadu Agriculture University,
Coimbatore-641003.

+1cc to M/s.K.M.Ramesh, Advocate, S.R.No.103584
+1cc to the Government Pleader, S.R.No.104024

W.P.No.16450 of 2014

RSK(CO)
CS/11/02/2020