



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.04.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD)Nos.10347 to 10430 of 2018andW.M.P. (MD)Nos.9360 to 9527 of 2018

N.DEVI PARAMESHWARI ... Petitioner in WP(MD) . 10347/ 2018
A.HAMALIN, ... Petitioner in WP(MD) . 10348/ 2018
C.RAMASUBRAMONIAN, ... Petitioner in WP(MD) . 10349/ 2018
RAJASREE GOPINATHAN ... Petitioner in WP(MD) . 10350/ 2018
M.SIVAKUMAR, ... Petitioner in WP(MD) . 10351/ 2018
D.SENTHILMURUGAN, ... Petitioner in WP(MD) . 10352/ 2018
E.RAMESH, ... Petitioner in WP(MD) . 10353/ 2018
R.BALAJI, ... Petitioner in WP(MD) . 10354/ 2018
D.KARTHIKEYAN, ... Petitioner in WP(MD) . 10355/ 2018
R.MURUGESAN ... Petitioner in WP(MD) . 10356/ 2018
M.PAULVANNAN, ... Petitioner in WP(MD) . 10357/ 2018
DR.C.S.ARUN GEORGE, ... Petitioner in WP(MD) . 10358/ 2018
B.RAJALAKSHMI, ... Petitioner in WP(MD) . 10359/ 2018
R.GAYATHIRI, ... Petitioner in WP(MD) . 10360/ 2018
V.SATHIAH, ... Petitioner in WP(MD) . 10361/ 2018
S.ANAND, ... Petitioner in WP(MD) . 10362/ 2018
S.MERITTA, ... Petitioner in WP(MD) . 10363/ 2018
A.ARAVINDH, ... Petitioner in WP(MD) . 10364/ 2018
M.JAYANTH DEEPAN, ... Petitioner in WP(MD) . 10365/ 2018
B.DANIEL ANTONYSAMY, ... Petitioner in WP(MD) . 10366/ 2018
V.VASUGI, ... Petitioner in WP(MD) . 10367/ 2018
P.DEIVANAYAGAM, ... Petitioner in WP(MD) . 10368/ 2018
C.KANNAN, ... Petitioner in WP(MD) . 10369/ 2018
P.JANARTHANAN, ... Petitioner in WP(MD) . 10370/ 2018
S. RAJARAM, ... Petitioner in WP(MD) . 10371/ 2018
K.MATHAVAN, ... Petitioner in WP(MD) . 10372/ 2018



K.RANJITH KUMAR ... Petitioner in WP(MD) . 10373/ 2018

D.THANNOLI ... Petitioner in WP(MD) . 10374/ 2018

P.MUKESH BABU ... Petitioner in WP(MD) . 10375/ 2018

S.GODWIN PRABAKARAN SWARTZ,

... Petitioner in WP(MD) . 10376/ 2018

V.SAVITHA ... Petitioner in WP(MD) . 10377/ 2018

S.JOSEPH GNANA THAMPIRAJ

... Petitioner in WP(MD) . 10378/ 2018

J.MADHU PRIYA ... Petitioner in WP(MD) . 10379/ 2018

K.BALUSAMY, ... Petitioner in WP(MD) . 10380/ 2018

DR.S.MARIMUTHU, ... Petitioner in WP(MD) . 10381/ 2018

S.PANDI, ... Petitioner in WP(MD) . 10382/ 2018

T.BASKARAN ... Petitioner in WP(MD) . 10383/ 2018

P.PONRAJ ... Petitioner in WP(MD) . 10384/ 2018

V.MERLIN JOE ... Petitioner in WP(MD) . 10385/ 2018

M.AJANTH ANTO ... Petitioner in WP(MD) . 10386/ 2018

M.VELLAMUTHU, ... Petitioner in WP(MD) . 10387/ 2018

R.PRABHU, ... Petitioner in WP(MD) . 10388/ 2018

A.ALAGAR, ... Petitioner in WP(MD) . 10389/ 2018

T.HARIHARASUDHAN, ... Petitioner in WP(MD) . 10390/ 2018

L.ARAVINDH, ... Petitioner in WP(MD) . 10391/ 2018

M.MURUGESAN, ... Petitioner in WP(MD) . 10392/ 2018

S.AMIRTHALINGAM, ... Petitioner in WP(MD) . 10393/ 2018

K.VISALATCHI RATHI DEVI,

... Petitioner in WP(MD) . 10394/ 2018

S.ARUMUGESH, ... Petitioner in WP(MD) . 10395/ 2018

P.SANTHAKUMAR JEBADURAI,

... Petitioner in WP(MD) . 10396/ 2018

K.SRINIVASAN, ... Petitioner in WP(MD) . 10397/ 2018

<https://hcservices.ecourts.gov.in/hcservices/>

G.ANBARASU ... Petitioner in WP(MD) . 10398/ 2018

S.KARTHIKEYAN, ... Petitioner in WP(MD) . 10399/ 2018



S.SURESH SELVAN, ... Petitioner in WP (MD) . 10400/ 2018
P.SIVA, ... Petitioner in WP (MD) . 10401/ 2018
S.VEERAMANI, ... Petitioner in WP (MD) . 10402/ 2018
M.R.MANICKAM, ... Petitioner in WP (MD) . 10403/ 2018
G.RAJESHWARI MANGAI, ... Petitioner in WP (MD) . 10404/ 2018
R.MAHENDRAN, ... Petitioner in WP (MD) . 10405/ 2018
R.ARUN KUMAR, ... Petitioner in WP (MD) . 10406/ 2018
S.IRENGAN, ... Petitioner in WP (MD) . 10407/ 2018
S.SENTHIL, ... Petitioner in WP (MD) . 10408/ 2018
K.RAJA RAJESHWARI ... Petitioner in WP (MD) . 10409/ 2018
D.MANJULA, ... Petitioner in WP (MD) . 10410/ 2018
D.BELLARMIN ASHOK KUMAR ... Petitioner in WP (MD) . 10411/ 2018

J.P.CHENTHIL ... Petitioner in WP (MD) . 10412/ 2018
A.SIKKANDAR ... Petitioner in WP (MD) . 10413/ 2018
P.RAVIPANDIAN ... Petitioner in WP (MD) . 10414/ 2018
T.ARUL MOZHI ... Petitioner in WP (MD) . 10415/ 2018
E.R.NISHA LEKHSMI ... Petitioner in WP (MD) . 10416/ 2018
P.KANAGAVEL ... Petitioner in WP (MD) . 10417/ 2018
H.PRATHAP CHANDRAN ... Petitioner in WP (MD) . 10418/ 2018
A.KARUPPIAH ... Petitioner in WP (MD) . 10419/ 2018
A.CATHERINE SHEELA ... Petitioner in WP (MD) . 10420/ 2018
S.PACKIARAJ ... Petitioner in WP (MD) . 10421/ 2018
S.SIXTUS PRAKSH ... Petitioner in WP (MD) . 10422/ 2018
A.BALASUBRAMANIAN ... Petitioner in WP (MD) . 10423/ 2018
T.SELVAKUMAR ... Petitioner in WP (MD) . 10424/ 2018
D.ROHINI ... Petitioner in WP (MD) . 10425/ 2018
S.SUBANI ... Petitioner in WP (MD) . 10426/ 2018
B.MUTHUKUMARAN ... Petitioner in WP (MD) . 10427/ 2018
S.SASIREKA ... Petitioner in WP (MD) . 10428/ 2018
T.NAGARAJAN ... Petitioner in WP (MD) . 10429/ 2018
K.SELVAM ... Petitioner in WP (MD) . 10430/ 2018



1. THE PRINCIPAL SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
FORT ST. GEORGE,
CHENNAI-600 009.

2. THE VICE CHANCELLOR,
ANNAMALAI UNIVERSITY,
ANNAMALAI NAGAR,
CHIDAMBARAM, CUDDALLORE DISTRICT.

3. THE SYNDICATE COMMITTEE,
REPRESENTED BY ITS CHAIRMAN,
ANNAMALAI UNIVERSITY,
ANNAMALAI NAGAR,
CHIDAMBARAM, CUDDALLORE DISTRICT.

4. THE REGISTRAR,
ANNAMALAI UNIVERSITY,
ANNAMALAI NAGAR,
CHIDAMBARAM, CUDDALLORE DISTRICT.

5. THE FINANCE COMMITTEE,
REPRESENTED BY ITS CHAIRMAN,
ANNAMALAI UNIVERSITY,
ANNAMALAI NAGAR,
CHIDAMBARAM, CUDDALLORE DISTRICT.

6. THE DIRECTOR,
DIRECTORATE OF DISTANCE EDUCATION,
ANNAMALAI UNIVERSITY,
ANNAMALAI NAGAR,
CHIDAMBARAM, CUDDALLORE DISTRICT.

.. RESPONDENTS IN ALL THE WP'S

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari and Mandamus calling for the records pertaining to the impugned order of the first respondent in G.O.(Ms) No.108, Higher Education Department, dated 28.04.2017 and consequential notice of the fourth respondent in Ref.No. C1-10/21851/2018, dated 02.04.2018 and quash the same as illegal and unlawful and further forbear the respondents from altering the service conditions of the petitioners herein by deputing / deploying / allotting / re-designating the petitioners to any post having lower scale of pay than the present scale of pay in the cadre of Special Officer/Liaison Officer (i.e., Rs.15,600-39100+Grade pay of Rs.5,400) consequently direct the respondents to ensure the pay protection to the petitioners herein.



For Petitioner in all cases : Mr.J.Pooventhera Rajan

For Respondents
in all cases

: Mrs.J.Padmavathy Devi
Special Government Pleader
for R.1 and R.6

: Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers
for R.2 to R.5.

COMMON ORDER

All the writ petitions are filed seeking to quash the impugned order of the first respondent in G.O.(Ms) No.108, Higher Education Department, dated 28.04.2017 and consequential notice of the fourth respondent in Ref.No. C1-10/21851/2018, dated 02.04.2018 and further forbear the respondents from altering the service conditions of the petitioners herein by deputing / deploying / allotting / re-designating the petitioners to any post having lower scale of pay than the present scale of pay in the cadre of Special Officer/Liaison Officer (i.e Rs.15,600-39100+Grade pay of Rs.5,400) and consequently direct the respondents to ensure the pay protection to the petitioners herein.

2. Heard the learned Counsel appearing for the petitioners, the learned Special Government Pleader appearing for the respondents 1 and 6 and the learned Counsel appearing for the respondents 2 to 5 and perused the materials available on record.

3. The issue involved herein is already covered by an order of this Court in W.P.(MD)Nos.21769 to 21771 of 2018 and etc., batch cases, dated 05.03.2019, wherein this Court has held as follows:

"29. In this view of the matter, this Court is inclined to pass the following orders:-

(1) The relief as such sought for in all the writ petitions stand rejected.

(2) The 3rd respondent/The Registrar is directed to receive the additional grounds / explanations / objections from all the persons, against whom, the show cause notices are issued.

(3) The Writ Petitions are directed to submit their additional grounds/ explanations/ objections to the 3rd respondent / The Registrar, within a period of four weeks from the date of receipt of a copy of this order, for placing the entire records before the competent authorities for adjudication and for providing personal hearing to all these writ petitioners.



(4) The authorities competent are directed to consider all the materials available on record including the submissions made during the personal hearing by the writ petitioners and take a decision on merits and in accordance with law and pass final orders on or before 30th July 2019."

4. In those batch of cases, G.O.(Ms)No.108, Higher Education Department, dated 28.04.2017 was not under challenge. A show cause notice only came to be challenged. Hence, this Court rejected the claim of the petitioners therein, however, directed the Registrar to consider their explanations and objections.

5. In the present batch of cases, G.O.(Ms)No.108, Higher Education Department, dated 28.04.2017 is under challenge. It is brought to the notice of this Court that the earlier show cause notice came to be withdrawn by the University. Since the earlier show cause notice itself came to be withdrawn by the University, it is left open to the petitioners to submit their additional grounds / explanations / objections to the Registrar as directed by this Court in the earlier batch of writ petitions. Such objections / explanations shall be considered in all aspects by the competent authorities. While considering the claim of the petitioners on the basis of their objections/explanations, the competent authorities are directed to take into consideration of Section 58(3)(e) of the Annamalai University Act, 1928 and pass appropriate orders, after affording an opportunity of hearing to the petitioners, within a period of twelve weeks from the date of receipt of a copy of this order.

6. All the Writ Petitions are disposed of with the above direction. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (T AND P)

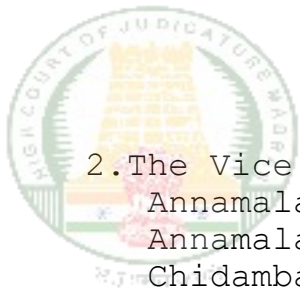
// True Copy //

Sub Assistant Registrar(CS)

Ssl

To

1.The Principal Secretary to Government,
Higher Education Department,
Fort St.George,
Chennai-600 009.



2.The Vice Chancellor,
Annamalai University,
Annamalai Nagar,
Chidambaram, Cuddalore District.

3.The Chariman, Syndicate Committee,
Annamalai University,
Annamalai Nagar,
Chidambaram, Cuddalore District.

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

5.The Chairman, Finance Committee,
Annamalai University,
Annamalai Nagar,
Chidambaram, Cuddalore District.

6.The Director,
Directorate of Distance Education,
Annamalai University,
Annamalai Nagar,
Chidambaram, Cuddalore District.

1CC TO M/S. ISAAC CHAMBERS FIRM, ADVOCATES SR 61690

1CC TO MR. POOVENTHERA RAJAN, ADVOCATE SR 61863

1CC TO THE SPL GOVT PLEADER SR 62106

KK

24/05/2019

7P 10C

W.P (MD) Nos.10347 to 10430 of 2018
and
W.M.P. (MD) Nos.9360 to 9527 of 2018

22.04.2019