



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2019

CORAM

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P[MD]No.9839 of 2013

and

M.P.[MD]No.1 of 2013

G.Thavasi Raja

... Petitioner

Vs.

1.The Director,
National Institute of Technology,
Tiruchirapalli - 620 015.

2.The Chairman,
Board of Governors,
(NIT) National Institute of Technology,
Tiruchirapalli - 620 015.

3.The Secretary,
NIT's Division,
Technical Education,
Department of Higher Education,
Ministry of Human Resource Development,
Shastri Bhavan, New Delhi - 110 001.

4.The Director, (NIT's Division),
Technical Education,
Department of Higher Education,
Ministry of Human Resource Development,
Shastri Bhavan, New Delhi - 110 001.

... Respondents

[R3 & R4 impleaded as per order dated
05.09.2014 in M.P.[MD]No.2 of 2014.]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to consider and pass orders on the entitlement and eligibility of the petitioner to draw the allowances and other allowances as claimed in his representations dated 08.10.2012, 23.01.2013, 07.03.2013 and 20.03.2013 within a stipulated period.



For Petitioner : Mr.N.Dilip Kumar
For Respondent No.1 : Mr.Sri Balaji
For Respondent No.2 : No appearance
For Respondents 3 & 4 : Mr.N.Shanmugaselvam

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ORDER

The relief sought for in the present Writ Petition is for a direction to direct the first respondent to consider and pass orders on the entitlement and eligibility of the petitioner to draw the allowances and other allowances as claimed in his representations dated 08.10.2012, 23.01.2013, 07.03.2013 and 20.03.2013.

2.The grievances of the petitioner is that he was not paid with the Cumulative Professional Development Allowance. The learned Counsel for the petitioner states that the writ petitioner is entitled for the CPDA and the said allowance has not been paid to the writ petitioner, despite the fact that he submitted repeated representations.

3.Learned Counsel for the respondents informed this Court that the writ petitioner is not entitled for a CPDA in view of the fact that he was undergoing Ph.D., programme during the relevant period of time. The writ petitioner was undergoing the Quality Improvement Programme and during the relevant period, as per the rules, the writ petitioner was not entitled to avail the benefit of the CPDA. When the serving faculty are permitted to undergo the Ph.D., programme during the period of Ph.D., they are not entitled to avail the benefit of CPDA. This being the condition imposed at the time of granting permission to undergo Ph.D., programme, the writ petitioner cannot claim the benefit by way of representations. Once the benefit of undergoing Ph.D., programme is granted, the faculty has to waive the benefit of CPDA.

4.This being the condition imposed at the time of grant of permission, the present petition claiming CPDA cannot be considered at all. When the Ph.D., programme itself is a concession and it was granted under the scheme of qualification upgradation, the writ petitioner is not entitled to avail CPDA and the decision taken by the respondents is in accordance with the terms and conditions of the scheme. During the relevant period, when the writ petitioner had undergone the Ph.D., programme, he was granted with three other allowances, namely, leave allowances of Rs.10,000/- per month and other allowances of Rs.10,000/- per year.

5.Thus, the allowances were granted to the writ petitioner in accordance with the terms and conditions and there is no infirmity. Under these circumstances, the relief sought for to direct the respondents to consider the representation does not arise at all. When the writ petitioner is not entitled to the benefit of CPDA, this Court is not inclined to consider the same.



6. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (A.E)

// True Copy //

Sub Assistant Registrar (CS)

MR

To

1. The Director,
National Institute of Technology,
Tiruchirapalli - 620 015.
2. The Chairman,
Board of Governors,
(NIT) National Institute of Technology,
Tiruchirapalli - 620 015.
3. The Secretary,
NIT's Division,
Technical Education,
Department of Higher Education,
Ministry of Human Resource Development,
Shastri Bhavan, New Delhi - 110 001.

+1 CC to M/s. J. MARIA ROSELINE, Advocate SR-71689.

+1 CC to Mr. N. DILIP KUMAR, Advocate SR-71921.

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CS: (09/07/2019) 3P 6C