

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.29403 of 2015

ORDER:

This writ petition is filed seeking the following relief :-

“.....to issue a Writ, order or direction more in the nature of Writ of Mandamus declaring the action of the respondent-5 University in not extending the benefit of UGC Pay Band of Rs.37400-67000 with AGP Rs.9000/- in terms of G.O.Ms. No.14 dated 20.2.2010 and judgment of this Hon'ble Court dated 23.6.2014 in W.P.No.18255 of 2010 and batch as illegal, bad and arbitrary and further direct the respondents to extend the benefit of UGC Pay Band of Rs.37400-67000 with A.G.P. Rs 9000/- to the petitioners in terms of G.O.Ms.No.14 dated 20.2.2010 and judgment of this Hon'ble Court dated 23.6.2014 in W.P.No.18255 of 2010 and batch with effect from the date of their eligibility with all consequential benefits.....”

Heard Mr.J.R.Manohar Rao, learned counsel for the petitioners, the learned Government Pleader for Higher Education and Mr.B.Thimothi, learned Standing Counsel for the 5th respondent.

It has been contended by the petitioners that they were initially appointed as Assistant Professors and they were promoted as Associate Professors under Career Advancement Scheme. While so, the State Government has adopted UGC guidelines in terms of G.O.Ms.No.14 dated 20.02.2010 and as per the said G.O., the petitioners are entitled to be granted the pay scale of 37,400-67,000 with AGP of Rs.9,000/- on completion of three years of service in the cadre of Associate Professor, but the respondents are not extending the said pay scale to the petitioners on the ground that the State Government has issued a Clarificatory Memo dated 06.07.2010.

Learned counsel for the petitioners has contended that the action of the respondents in not extending the pay scale in terms of G.O.Ms.No.14 dated 20.02.2010 is illegal and arbitrary. Further, similar issue fell for consideration before this Court in W.P.No.18255 of 2010 and batch in respect of Clarificatory Memo dated 06.07.2010

and this Court was pleased to set aside the said Clarificatory Memo dated 06.07.2010 vide order dated 23.06.2014. In view of the order passed in the said batch of writ petitions, appropriate orders be passed in the writ petition directing the respondents to extend the pay scale of 37,400-67,000 with AGP of Rs.9,000/- to the petitioners in terms of G.O.Ms.No.14 dated 20.02.2010.

Learned Government Pleader as well as the learned Standing Counsel appearing for the respondents have contended that since the petitioners are entitled for pay scale of 37,400-67,000 with AGP of Rs.9,000/- on completion of three years of service in terms of G.O.Ms.No.14 dated 20.02.2010, the respondents would consider the cases of petitioners by duly taking into account the judgment rendered by this Court in W.P.No.18255 of 2010 and batch dated 23.06.2014 and pass appropriate orders in accordance with law.

This Court, having considered the rival submissions, is of the considered view that this writ petition can be disposed of directing the respondents to extend the pay scale of 37,400-67,000 with AGP of Rs.9,000/- in terms of G.O.Ms.No.14 dated 20.02.2010 by duly taking into account the judgment rendered by this Court in W.P.No.18255 of 2010 and batch, dated 23.06.2014, without reference to the Clarificatory Memo, dated 06.07.2010, and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

12-11-2019

Prv

