



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

Writ Appeal No.1916 of 2021

K.Prabakaran ... Appellant/Petitioner

vs.

1. The State of Tamil Nadu,
rep. by its Principal Secretary to Government,
Higher Education Department,
Secretariat, Fort St.George,
Chennai 600 009.
2. The Director,
Directorate of Technical Education,
Sarder Patel Road, Guindy,
Chennai 600 025.
3. The Principal,
Central Polytechnic College,
Chennai 600 113. ... Respondents/ Respondents

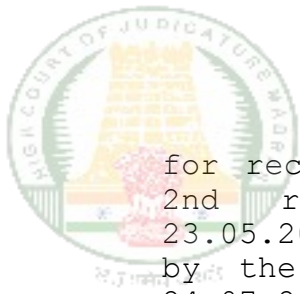
Writ Appeal filed under Clause 15 of Letters Patent against the order dated 26.08.2020 passed by this Court in W.M.P.No.14035 of 2020 in W.P.No.11491 of 2020.

Prayer in W.M.P.No.14035 of 2020:

To grant an order of interim Stay staying the operation of the impugned proceedings issued by the 2nd respondent in Proceedings No. 36678/B3/2019-1 dated 23.05.2020 and the subsequent impugned order of recovery issued by the 3rd respondent in Proceedings No. 3345/A1/2016 dated 24.07.2020 as well as impugned order in Proceedings No. 443/A1/2020 dated 24.07.2020 issued by the 3rd respondent, in WMP No.14035/2020 respectively pending WP No. 11491/2020.

Prayer in W.P.No.11491 of 2020:

Writ Petitions under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call



for records relating to the impugned proceedings issued by the 2nd respondent in proceedings No.36678/B3/2019-1 dated 23.05.2020 and the subsequent impugned order of recovery issues by the 3rd respondent in proceedings No.3345/A1/2016 dated 24.07.2020 as well as impugned order in proceedings No.443/A1/2020 dated 24.07.2020 issued by the 3rd respondent and to quash the same and consequently directing the Respondents to pass orders for fixation of pay of petitioner's scale of pay in the post of Lecturer (Selection Grade) with Academic Grade pay Rs.8000/- with effect from 01.01.2006 with corresponding revision of scale of pay with all consequential and other attendant benefits including arrears of salary (in W.P.No.11491/2020)

For Appellant : Mr.G.Sankaran

For Respondents : Mr.K.Tippu Sultan,
Government Advocate

J U D G M E N T

(Judgment of the Court delivered by S.VAIDYANATHAN, J.)

The Writ Petitioner is before this Court by way of this Appeal challenging the interim order that, stay of recovery alone has been granted by the learned Single Judge vide order dated 26.08.2020 in W.M.P.No.14035 of 2020 in W.P.No.11491 of 2020, and that, the said order has not protected the revision of scale of pay that will lower the pay.

2. Learned counsel for the Appellant/Writ Petitioner contended that, while granting interim order in the Writ Petition against recovery, which has not stalled the revision of scale of pay, the learned Single Judge has not appreciated the fact that, the orders impugned in the Writ Petition are passed in violation of G.O.Ms.No.58, dated 21.03.2018, which protected the pay scale already granted. Hence, he prayed that, the right of the Appellant/Writ Petitioner has to be protected by granting an order of interim stay against the entire impugned order in the Writ Petition.

3. This Court is not inclined to grant a blanket stay as prayed for by the Appellant/Writ Petitioner. Whether there should be a recovery or not, and the consequential revision of pay that may be lowered has to be decided only in the Writ Petition. Hence, we are not inclined to grant any relief in the present Writ Appeal. However, the Appellant/Writ Petitioner is at liberty to put forth all the factual and legal submissions before the learned Single Judge in the Writ Petition.



4. We request the learned Single Judge to decide the Writ Petition, as expeditiously as possible.

5. Registry is directed to list the matter for final hearing in October 2021.

In the result, the Writ Appeal stands dismissed. No costs. Consequently, connected C.M.P.No.12428 of 2021 is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

(vm/aeb)

To:

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
Higher Education Department,
Secretariat, Fort St.George,
Chennai 600 009.
- 2.The Director,
Directorate of Technical Education,
Sarder Patel Road, Guindy,
Chennai 600 025.
- 3.The Principal,
Central Polytechnic College,
Chennai 600 113. (To list the WP for final hearing in Oct-2021)

Copy to:

The Section Officer,
Writ Section,
High Court, Madras.

WRIT APPEAL No.1916 OF 2021

RLD (CO)
PR (21/09/2021)