

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.03.2021
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.9436 of 2014

1.M.Palanivel

2.R.Prabhakaran

... Petitioners

Vs

1. The Union of India,
Represented by the Chief Secretary to Government,
Government of Union Territory of Puducherry,
Puducherry.

2. The Secretary to Government,
Agricultural Department,
Government of Union Territory of Puducherry,
Puducherry.

3. Pandit Jawaharlal Nehru College of Agriculture and
Research Institute Society,
Rep. by its Chairman, Karaikal - 609 603.

4. Dean,
Pandit Jawaharlal Nehru College of Agriculture and
Research Institute (Society)
Rep.by its Dean, Karaikal - 609 603.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to implement the decision of the third respondent dated 23.02.2010 in Agenda Item No.28 and consequently designate the petitioners as College Librarian with effect from 23.02.2010 in the scale of pay of Rs.15,600-39,100, PB-2 with academic grade pay of Rs.6000/- with all service, seniority and monetary benefits and pay all arrears of salary.

For Petitioners: Mr.R.Sreedhar

For R1 & R2 : Mr.Stalin Abemaniyu, AGP (Pondy)

For R3 & R4 : Mr.M.T.Arunan

ORDER

The Petitioners have come up with this Writ Petition seeking a direction to the respondents to implement the decision of the third respondent dated 23.02.2010 in Agenda Item No.28 and consequently designate the petitioners as College Librarian with effect from 23.02.2010 in the scale of pay of Rs.15600-39100, PB-2 with academic grade pay of Rs.6000/- with all service and monetary benefits and pay arrears along with salary.

2.It is the case of the petitioners that initially, they joined as Library Helpers on the contract basis in the fourth respondent College on 05.05.1990 and 02.08.1990 respectively. Subsequently, they were appointed as Assistant Librarians in the scale of pay of Rs.1400-2300, which is equivalent to the post of School Librarian. It is the further case of the petitioners that on 23.02.2010, the third respondent Society resolved to upgrade the post of School Librarian i.e., Assistant Librarian in the scale of pay of Rs.9300-34800 as College Librarian with the scale of pay of Rs.15600-39100 (PB-2) with the academic grade pay of Rs.6,000/- and absorb the existing Assistant Librarians into the same, subject to educational qualification. Further, the Governing Body directed the fourth respondent to compare, draft the rules and regulations for the post of College Librarian with that of Tamil Nadu Agricultural University and submit a proposal to the Government for financial implication involved. Since the petitioners possess the requisite qualification, they requested the second respondent through proper channel to implement the resolution so passed by the third respondent. However, the said request was not considered, till date. Hence, this writ petition.

3.Upon notice, the fourth respondent filed a detailed counter affidavit, wherein, it is categorically stated that on examination of facts and review of functioning of library, in the interest of the fourth respondent, Agenda No.28 was placed before the third respondent Institution's 38th Governing Body Meeting held on 23.02.2010 to upgrade the two posts of Assistant Librarian as College Librarian in the pay Band 3 - Rs.15600 - 39100 + AGP of Rs.6000; the Governing Body accepted the said agenda in principle to upgrade the two posts of Assistant Librarian as College Librarian and to absorb the existing Assistant Librarians provided they should possess the required educational and research qualification as per the UGC Regulations; and the same was submitted to the Government on 09.08.2010 for approval, which is pending due to ban order. It is further stated that since the post of College Librarian is Group A post, creation / upgradation of the post has to be approved by the Ministry of Home Affairs, Government of India; and the claim of the petitioners will be granted, on approval of the Government of Puducherry.

4.Heard both sides and perused the materials placed before this Court.

5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the petitioners to submit a fresh representation enclosing all the relevant documents to the respondents within a period of two weeks from the date of receipt of a copy of this order. On such representation being made, the respondents shall consider the same, taking into account the resolution of the third respondent vide Agenda No.28 dated 23.02.2010, which was followed by the proposal dated 27.05.2010 submitted by the fourth respondent college to the first respondent, and pass appropriate orders, on merits and in accordance with law, within a period of four weeks, thereafter.

6.Accordingly, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Secretary to Government,
The Union of India,
Government of Union Territory of Puducherry,
Puducherry.
2. The Secretary to Government,
Agricultural Department,
Government of Union Territory of Puducherry,
Puducherry.
3. The Chairman,
Pandit Jawaharlal Nehru College of Agriculture and
Research Institute Society, Karaikal - 609 603.
4. The Dean,
Pandit Jawaharlal Nehru College of Agriculture and
Research Institute (Society)
Karaikal - 609 603.

+2ccs to Mr.R.Sreedhar , Advocate SR.No. 17059

+1cc to Mr.M.T.Arunan, Advocate SR.No. 17080

+1 cc to Government Pleader Sr.No. 17258

W.P.No.9436 of 2014

GSM(CO)

A.SK(13.07.2021)