



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2021

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.16078 of 2021

and

W.M.P(MD)Nos.12942 & 12943 of 2021

Dr.P.Anandasayanam

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Through its Secretary,
Higher Education Department,
Fort St. George,
Chennai.

2.The Director,
Directorate of Collegiate Education,
College Road,
Chennai - 600 006.

3.The Joint Director of Collegiate Education,
(Additional Incharge)
Palam Station Road,
Sellur,
Madurai.

4.The Secretary cum Correspondent,
College Committee,
Virudhunagar Hindu Nadars'
Senthikumara Nadar College,
Virudhunagar,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned order in Na.Ka.No.95/2021-E1 dated 23.03.2021 on the file of the respondent no.4 and quash the same as illegal and consequently direct the respondent no.4 to disburse the Annual Increment for the period 2012 to 2015 in light of the proceedings of the respondent no.3 in Na.Ka.No.13229/E1/2015-5 dated 11.04.2016 and the



consequential order in Na.Ka.No.13229/E1/2015 dated 25.11.2016 within the time frame as stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.A.K.Manikkam,
Standing Counsel for R1 to R3.
Mr.V.Meenachi Sundaram,
learned Counsel for R4.

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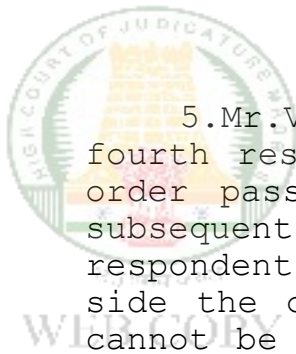
ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.95/2021-E1 dated 23.03.2021 on the file of the respondent no.4 and quash the same as illegal and consequently direct the respondent no.4 to disburse the Annual Increment for the period 2012 to 2015 in light of the proceedings of the respondent no.3 in Na.Ka.No.13229/E1/2015-5 dated 11.04.2016 and the consequential order in Na.Ka.No.13229/E1/2015 dated 25.11.2016 within the time frame as stipulated by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents 1 to 3.

3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. According to the petitioner, he was working as Associate Professor in the Department of Tamil in the fourth respondent Private Aided College. Whiles, the fourth respondent College has initiated disciplinary action vide proceedings dated 08.12.2011, against the petitioner and charges were framed against him. Later, after competition of the enquiry, imposed a punishment of stoppage of increment with cumulative effect for a period four years. Challenging the aforesaid punishment order, the Writ Petitioner has preferred an Appeal dated 17.12.2015 before the Joint Director of Collegiate Education, Chennai. The aforesaid appeal was allowed on 11.04.2016 by setting aside the order passed by the fourth respondent. During that period, the petitioner has also filed WP(MD) No.962 of 2012 before this Court. But in view of the aforesaid order passed in the Appeal, the writ petitioner has withdrawn the writ petition on 01.09.2017. Therefore, there is no legal impediment to consider the petitioner's application for granting annual increments to the petitioner for the period from 2012-2015 but the fourth respondent has passed impugned order by stating the reason that the petitioner was not eligible for the annual increments in view of the withdrawal of the Writ Petition. Now, the aforesaid impugned order dated 08.12.2011 passed by the fourth respondent is the subject matter in the present writ petition.



5.Mr.V.Meenachi Sundaram, the learned counsel appearing for the fourth respondent has fairly submitted that the aforesaid impugned order passed by the fourth respondent is not correct due to the subsequent order passed in the appeal proceedings by the third respondent / the Joint Director of Collegiate Education, setting side the order of punishment. Therefore, the said impugned order cannot be sustained and the matter has to be remitted back to the fourth respondent to consider afresh and pass appropriate orders in the light of the order passed by the third respondent dated 11.04.2016. The learned counsel has also stated that the said decision has also taken by the respondent college on or before 30.10.2021. The proposal would be submitted to the second respondent in the first week of November, 2021 and the aforesaid proposal alongwith the resolution will be communicated to the third respondent in the first week of November 2021.

6. In view of the submissions made by the learned counsel for the petitioner and since the impugned order of punishment itself came to be set side by the 3rd respondent in the appeal proceedings, virtually there was nothing survives in the Writ Petition and hence, the petitioner has rightly withdrawn the Writ Petition and this cannot be taken as a ground to deny the benefit of annual increment to which, the petitioner is entitled to consequential setting aside the order of punishment. Therefore, as rightly submitted by the learned counsel for the petitioner, there is absolutely no impediment for th respondents to consider the claim of the petitioner. In such view of the matter, the impugned order passed by the fourth respondent dated 08.12.2011 is liable to be set aside.

7.Accordingly, the impugned order passed by the fourth respondent dated 08.12.2011 is hereby set aside and this Writ Petition is allowed. The respondents are directed to pass appropriate orders granting the annual increment for the period to which, the petitioner is entitled to, within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant



To

1.The Government of Tamil Nadu,
Through its Secretary,
Higher Education Department,
Fort St. George,
Chennai.

2.The Director,
Directorate of Collegiate Education,
College Road,
Chennai - 600 006.

3.The Joint Director of Collegiate Education,
(Additional Incharge)
Palam Station Road,
Sellur,
Madurai.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-31369[F] dated
06/10/2021)

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-31395[F] dated
06/10/2021)

+1 CC to M/s.SPL.GP (SR-31526[F] dated 07/10/2021)

W.P (MD) No.16078 of 2021
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MGJ/UV(29.10.2021) 4P 7C