



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2021

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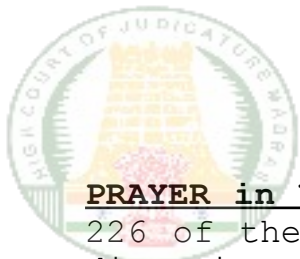
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD)Nos.17023, 17024 & 17025 of 2015

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|------------------|-----|--------------------------------------|
| 1.S.Baskar | ... | Petitioner in WP(MD)No.17023 of 2015 |
| 2.V.Muruganandam | ... | Petitioner in WP(MD)No.17024 of 2015 |
| 3.P.Venkatesh | ... | Petitioner in WP(MD)No.17025 of 2015 |

vs

- 1.The Secretary,
Department of Higher Education,
Ministry of Human Resource Development,
127-C, Shastri Bhawan,
New Delhi - 110 001.
 - 2.The Chairman,
All India Council for Technical Education,
7th Floor Chanderlok Building,
Janpath,
New Delhi - 110 001.
 - 3.The Secretary,
Department of Higher Education,
Secretariat,
Fort St. George,
Chennai - 600 009.
 - 4.The Commissioner,
Directorate of Technical Education,
Chennai - 600 025.
 - 5.The Chairman and Correspondent,
Thiagarajar College of Engineering,
Madurai - 15,
Madurai District.
 - 6.The Principal,
Thiagarajar College of Engineering,
Madurai - 15,
Madurai District.
- ... Respondents in all petitions



PRAYER in WP(MD)No.17023 of 2015: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to provide the arrears in monthly salary for the period from October 2011 to June 2013 in the post of Professor of Electrical and Electronics Engineering and the arrears in payment of the revised pay scale 2010 with current rate of interest within the time stipulated by this Court.

PRAYER in WP(MD)No.17024 of 2015: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to provide the arrears in monthly salary for the period from October 2011 to June 2013 in the post of Associate Professor of Civil Engineering and the arrears in payment of the revised pay scale 2010 with current rate of interest within the time stipulated by this Court.

PRAYER in WP(MD)No.17025 of 2015: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to provide the arrears in monthly salary for the period from October 2011 to June 2013 in the post of Associate Professor of Electrical and Electronics Engineering and the arrears in payment of the revised pay scale 2010 with current rate of interest within the time stipulated by this Court.

For Petitioner (in all WPs) : Mr.G.Karthik
for Mr.T.Lajapathi Roy

For Respondents (in all WPs) : No appearance for R1

Mr.N.Dilip Kumar for R2

Mr.D.Farjana Ghoushia
Spl. Government Pleader
for R3 & R4

Mr.A.Sivaji for R5 & R6

COMMON ORDER

The Writ Petitions are filed for issuance of a Writ of Mandamus, directing the respondents to provide the arrears in monthly salary for the period from October 2011 to June 2013 in the posts of Professor and Associate Professor of Electrical and Electronics Engineering and the arrears in payment of the revised pay scale 2010 with current rate of interest within the time stipulated by this Court.



2. There are three writ petitions filed by three writ petitioners, namely, Baskar, Muruganandam, Venkatesh. When the case was taken up, the learned Counsel appearing for the petitioners submitted that Muruganandam died and his legal heirs are impleaded as parties, vide, substitution petition. The facts that are stated in W.P.(MD)No.17023 of 2015 is under:

3. The petitioner was appointed as a Lecturer on 01.12.1994 as Electrical and Electronics Engineer at the fifth respondent College under the sanctioned post and was declared probation on 06.08.1997. Then appointed as Assistant Professor on 16.06.1998 and was declared probation on 12.08.2000. The fourth respondent granted permission to the sixth respondent College to post the petitioner as a Professor of Electrical and Electronics Engineering under the Central Government Scheme under the grant received from the Central Government (PG) Grant, vide proceedings, dated 07.11.2005. The College has issued appointment order, dated 14.11.2005 and the petitioner was serving in the College from 14.11.2005 onwards under the P.G. Grant and from October 2011 onwards and the said P.G. Grant was stopped without any prior notice and there was no communication from the AICTE to the respondent college regarding this issue. Since the petitioner was not getting any monthly salary, the College prepared a memorandum of understanding, dated 14.12.2011, wherein, the College has offered an advance of Rs.30,000/- (Rupees Thirty Thousand only) per month and the same would be paid as a recoverable advance. The petitioner has not received the said amount.

4. The said memorandum of understanding was put to challenge by one Mr. Ganesan in W.P.(MD)No.537 of 2012 and this Court, vide order, dated 05.09.2012, directed the respondents therein to pay the salary due from October 2011 till date and continue to pay the salary for every month. Against the same, the College has preferred the writ appeal in W.A.No.804 of 2012 and the same is pending till date. The College also has filed a separate writ petition in W.P. (MD) No.940 of 2013, directing the Ministry of Human Resource Development to disburse the salary along with the arrears amount and the said writ petition is still pending.

5. In the meanwhile, the State Government came forward to convert the petitioner from the P.G. Grant Scheme to the post sanctioned by the Government of Tamil Nadu and issued an appointment order, dated 17.06.2013, appointed the petitioner in the same post as Professor in Electrical and Electronics Engineering and from 17.06.2013 onwards the petitioner is receiving salary from the State Government. The petitioner has submitted several representations and the petitioner has not received any arrears of payment and the revised pay scale from 2010 to till date. The similar claim was submitted by the other petitioners. The fourth respondent has filed



has paid the grant and therefore, the amount was not paid.

6. Heard Mr.G.Karthik, learned Counsel appearing for the petitioner and Mr.N.Dilip Kumar, learned Counsel appearing for the second respondent and Mr.D.Farjana Ghoushia, learned Special Government Pleader appearing for the respondents 3 and 4 and Mr.A.Sivaji, learned Counsel appearing for the respondents 5 and 6.

7. The learned Counsel appearing for the petitioners submitted that in a similar case, the College has been directed to pay the salary.

8. On perusing the entire records, this Court is of the considered opinion that the entire issue arises, since the second respondent AICTE has not released the grant. But there is no record to show why the AICTE has stopped. Therefore, this Court considers deem fit to direct the second respondent to consider the entire issue and pass a speaking order. Especially, the second respondent shall state the reasons for stopping grant all of sudden. This Court is not going into the merits of the case and it is simply directing the second respondent to consider the issue and pass orders. The petitioners are directed to submit a fresh representation along with the order of this Court to the second respondent for consideration. Since one of the petitioner, namely, Muruganandam, died, the legal heirs are permitted to submit a representation. The entire exercise shall be completed by the second respondent within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above direction, the Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar(AE)

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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 concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To

- 1.The Secretary,
Department of Higher Education,
Ministry of Human Resource Development,
127-C, Shastri Bhawan,
New Delhi - 110 001.
- 2.The Chairman,
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Thiagarajar College of Engineering,
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Madurai District.
- 6.The Principal,
Thiagarajar College of Engineering,
Madurai - 15,
Madurai District.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-40521[F] dated 28/12/2021)
+3 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-40419[F] dated
27/12/2021)
+1 CC to M/s.SPL GP (SR-40476[F] dated 27/12/2021)

Order made in
W.P. (MD) Nos.17023, 17024 & 17025 of 2015
23.12.2021

CK(CO)
TR(07.02.2022) 5P 12C