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W.P.Nos.9488 to 9491 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.9488 to 9491 of 2018

and

W.M.P.Nos.11383, 11385, 11387 & 11389 of 2018

S.Janarthanan	...Petitioner in W.P.No.9488 of 2018
Dr.K.Ravichandran	...Petitioner in W.P.No.9489 of 2018
S.Balakumar	...Petitioner in W.P.No.9490 of 2018
Dr.R.Rangarajan	...Petitioner in W.P.No.9491 of 2018

Vs.

1.State of Tamil Nadu,
Rep.by Secretary to Government,
Higher Education Department,
Fort St.George,
Chennai – 600009.

2.University Grants Commission,
Rep.by Secretary,
Bahadur Shah Zafar Marg,
New Delhi – 110 002.

3.University of Madras,
The Registrar,
Centenary Building,
Chepauk, Chennai – 600 005.

..Respondents in all W.Ps



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Common prayer : Writ Petitions filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the 1st respondent pertaining to G.O.Ms.No.328, Higher Education (H1) Department, dated 16.11.2017 and quash the same.

For Petitioners	: Mr.Srinath Sridevan [in all W.Ps]
For R1	: Mr.D.Ravichander Special Government Pleader [in all W.Ps]
For R2	: Mr.B.Rabu Manohar Senior Central Government Standing Counsel [in all W.Ps]
For R3	: Mrs.V.Sudha [in all W.Ps]

COMMON ORDER

The writ petitions have been filed, challenging the order passed by the first respondent in G.O.Ms.No.328, Higher Education (H1) Department, dated 16.11.2017.

2. The petitioners were appointed as Readers by way of Direct Recruitment by the third respondent University.



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3. The grievances of the writ petitioners are that the Readers were re-designated as Associate Professors and consequently, pay as admissible was fixed pursuant to the Re-designation order passed in G.O.Ms.No.350, Higher Education (H1) Department dated 09.09.2009. The re-designation and the fixation of pay was confirmed by the respondents through G.O.Ms.No.179, Higher Education (H1) Department dated 14.10.2014. That being the factum, the respondents have suddenly cancelled the earlier orders in the impugned G.O.Ms.No.328, Higher Education (H1) Department dated 16.11.2017.

4. The learned counsel for the petitioners mainly contended that no show cause notice was issued to the petitioners nor an opportunity was provided to defend their case. Thus, the order impugned is in violation of the principles of natural justice.

5. The learned counsel appearing on behalf of the respondents are unable to establish that show cause notices were issued to the petitioners before cancelling the orders already passed, conferring certain benefits to the writ petitioners.



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6. However, the respondents have justified the impugned order by assigning the reasons in the counter statement.

7. Any order, cancelling the benefits already conferred on the employees cannot be withdrawn without providing an opportunity to such employees likely to be affected. Thus, the order impugned in the present cases was issued in violation of the principles of natural justice and therefore, the cases are to be remanded back for fresh consideration and for providing an opportunity to the aggrieved persons.

8. Accordingly, the order impugned passed by the first respondent in G.O.Ms.No.328, Higher Education (H1) Department, dated 16.11.2017 is quashed and the matters are remitted back for fresh consideration. Accordingly, the first respondent is directed to issue show cause notice to the petitioners within a period of four weeks from the date of receipt of a copy of this order. On receipt of the show cause notice, the petitioners are at liberty to submit their explanations/objections along with the documents within a period of two weeks from the receipt of the show cause notice to be issued by the 1st respondent. Thereafter, the first respondent is directed to consider the



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materials available on record, including the explanations submitted, if any, by the writ petitioners and take a decision and pass orders as expeditiously as possible.

9. With these directions, all the writ petitions stand allowed. No costs.

Consequently, connected miscellaneous petitions are closed.

20.10.2022

Index : Yes

Speaking order: Yes

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To

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2. The Secretary,
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S.M.SUBRAMANIAM, J.

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