



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.5891 of 2022

R.Kumaran

... Petitioner

vs.

1.Government of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Higher Education Department, Fort St.George,
Chennai - 600 009.

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

3.The Principal,
Government Arts College for Men (Autonomous),
No.329, Anna Salai, Lotus Colony, Nandanam,
Chennai - 600 035.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 & 2 to pay the salary from 4.7.2015 to 7.10.2015 by regularising the said period, grant usual annual increment due from July 2015 together with all consequential benefits and promote the petitioner as Principal from 15.11.2021 when his juniors were given promotion including all consequential monetary and service benefits together with interest by considering the petitioner's representation dated 31.01.2022 and 11.02.2022 duly forwarded by the 3rd respondent within a time frame fixed by this Court.

For Petitioner : Mr.K.Srinivasa Murthy

For Respondents: Mr.M.Bindran,
Government Advocate

O R D E R

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.



2. This writ petition has been filed seeking to issue a Writ of Mandamus directing the respondents 1 & 2 to pay the petitioner salary from 4.7.2015 to 7.10.2015 by regularising the said period and to grant annual increment along with all consequential benefits and to promote the petitioner as Principal from 15.11.2021, on par with his juniors, by considering his representations dated 31.01.2022 and 11.02.2022.

3. The case of the petitioner in brief:

The petitioner was working as Assistant Professor cum Head of the Department in H.H. The Rajas College, Pudukottai (hereinafter referred to as Pudukottai College), wherein, disciplinary proceedings were initiated against him vide charge sheet dated 14.07.2015. Further the petitioner was transferred from Pudukottai College to the Nandanam College on 08.09.2015. But, he was relieved only on 07.10.2015 and now he is working in Nandanam College, Chennai. Subsequently, the petitioner has been exonerated from the charges and hence, salary from 04.07.2015 to 07.10.2015 has to be paid to him by regularising the above period with annual increment due along with all consequential benefits. Further, the petitioner shall be promoted as Principal from 15.11.2021 on par with his juniors. Hence this writ petition.

4. The learned counsel appearing for the petitioner submitted that the petitioner is now restricted his prayer to consider his representation dated 31.01.2022 and 11.02.2022 by the respondents.

5. The learned Government Advocate appearing for the respondents submitted that, the representations of the petitioner would be considered by the second respondent and appropriate orders will be passed in accordance with law.

6. In view of the above, without expressing any opinion on merits, it is ordered as follows.

i) The second respondent is directed to consider the representations of the petitioner dated 31.01.2022 and 11.02.2022 and pass order on its own merits, in accordance with law, within six weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-II)

//True copy//

Sub Assistant Registrar



mst

To

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- 1.The Principal Secretary to Government,
Higher Education Department,
Fort St.George, Chennai - 600 009.
- 2.The Director,
Directorate of Collegiate Education,
College Road, Chennai - 600 006.
- 3.The Principal,
Government Arts College for Men (Autonomous),
No.329, Anna Salai,
Lotus Colony, Nandanam,
Chennai - 600 035.

+1cc to M/s.Raw & Reddy, Advocate SR.No.17857

+1cc to Government Pleader SR.No.18189

W.P.No.5891 of 2022

AJS (CO)
GMY (05/04/2022)