



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NOS.3141 AND 7090 OF 2014

W.P.No.3141 of 2014

1. Tamil Nadu Agricultural University
Non-teaching Staff Association
Rep. by its President,
Tamil Nadu Agricultural University,
Coimbatore-641 003.
2. P.Murthy,
Superintendent, Seed Station,
Tamil Nadu Agricultural University,
Coimbatore - 641 003.

... Petitioners

[P2 Cause Title amended vide order of this Court dated 07.06.2022 made in M.P.No.1 of 2015 in WP No.3141 of 2014]

Vs

1. The State of Tamil Nadu
Rep. by the Secretary to Government
Agricultural Department,
Fort St.George,
Chennai-600 009
2. The Tamil Nadu Agricultural University
Rep. by its Registrar,
Coimbatore 614 003.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the proceedings of the 2nd respondent made in No.A3/3843/2013 dated 24.12.2013 and quash the same and consequently direct the respondents to enhance the University Allowance from 5% to 10% of the basic pay plus grade pay of the Non-teaching staffs of the Tamil Nadu Agricultural University with effect from 01.01.2006 onwards.



W.P.No.7090 of 2014

1. Tamil Nadu Agricultural University
Assistant Agricultural Officers Association
Rep. by its President
Tamil Nadu Agricultural University,
Coimbatore-641 003.

2. S.Thangavelu
Junior Agricultural Officer,
S/o, Saminathan
C-20, Staff Quarters,
Tamil Nadu Agricultural
University, Coimbatore-641 003

... Petitioners

Vs

1. The State of Tamil Nadu
Rep. by the Secretary to Government
Agricultural Department
Fort St.George, Chennai-600 009

2. The Tamil Nadu Agricultural University
Rep. by its Registrar,
Coimbatore 614 003.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the proceedings of the Registrar R2 made in No.A3/3843/2013 dated 24.12.2013 quash the same and consequently direct the respondents to enhance the University Allowance from 5% to 10% of the basic pay plus grade pay to the non-teaching staff of the Tamil Nadu Agricultural University with effect from 01.01.2006 onwards.

For Petitioner : Mr.D.Prabhu Mukunth Arunkumar
in both WPs.

For R1 : Mr.L.S.M.Hasan Fizal
in both WPs. Additional Government Pleader

For R2 : Mr.Abdul Saleem
in both WPs.



COMMON ORDER

The order impugned stopping the University Allowance being paid to the Non-teaching staff in Tamil Nadu Agricultural University in proceeding dated 24.12.2013 is under challenge in both the writ petitions.

2. The petitioners state that on par with the teaching staff of the Agricultural University and based on the representation of the non-teaching staff, the Government considered the issues based on the recommendation of the One Man Commission Report No.124017/80 dated 07.01.1981 and issued G.O. Ms.No.574, Agriculture Department dated 17.03.1981. The One Man Commission was constituted to rectify the pay anomalies of the Teaching and Non-Teaching staff of the Tamil Nadu Agricultural University. The report of the One Man Commission recommended the case of the writ petitioners-Non-Teaching Staff for grant of University Allowance. Accordingly, the respondents granted the University Allowance to the writ petitioners also. The relevant paragraph of the Government Order issued in G.O.Ms.No.574, reads as under:

6. The Government agree with the recommendations of the One Man Commission and, accordingly, direct from 1.1.1980 that the non-teaching staff also, be given the same benefits and they be compensated not by allowing higher scales of pay, but they, be paid a specific University allowance, which should be 10% of whatever basic pay the staff member is drawing in the existing scale varying from Rs.250-400 to Rs.450-800, subject to a maximum of Rs.50/- per month. For the higher scale varying from Rs.525-925 to Rs.750-1350, the university allowance will be 5% basic pay subject to minimum of Rs.50/- per month. They will be eligible to draw the arrears from 1.1.1980.

3. The said position was reiterated during the year 1992 by way of passing an another order in G.O.Ms.580, Agriculture (AU) Department, dated 21.09.1992, wherein it is stated as follows:

"4. Based on the decisions taken in the meeting with the representatives of the Tamil Nadu Agricultural University Non-teaching Staff Association on 10.07.1992, the Government issue the following order:-

i. The employees who were recruited by the University after 1.7.1985 shall be eligible for the grant of University Allowance at the rates fixed in



G.O.Ms.No.574, Agriculture, dated 17.03.1981 on par with those employees who were already getting the University Allowances as per orders issued in the said G.O with arrears from 1.4.1992;

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ii. The monthly consolidated pay of Rs.793/- paid to the 150 Casual Mazdoore of the University as per orders issued in G.O.Ms.No.124, Agriculture, dated 25.2.1991 shall be revised to Rs.900/-p.m. from 1.2.1991 and Rs.920/- inclusive of adhoc Dearness Allowance of Rs.20/-p.m.from 1.4.1992. The 150 Casual Mazdoore appointed in February, 1991 on monthly consolidated pay of Rs.793/- shall be eligible for arrears on this basis with effect from 1.2.1991. The Mazdoors on monthly consolidated pay shall be eligible in future to adhoc increase of Dearness Allowance as applicable to consolidated pay categories; and

iii. A second batch of 150 Casual Mazdoors on daily wages shall be brought on to the consolidated pay of Rs.920/- p.m. with effect from 1.7.1992. The Third batch of 150 Casual daily wages Mazdoors shall be brought on to the consolidated pay of Rs.920/- p.m. during the last quarter of 1992-93. The above orders shall be treated as a package agreement."

4. The question that arises is whether the benefit of University Allowance granted to the non-teaching staff of the Agricultural University, pursuant to the recommendations of the One Man Commission and the Government orders issued thereon, can be withdrawn unilaterally by the respondents. It is needless to state that the benefits conferred to the employees after due diligence by the One Man Commission and by the Government cannot be taken away unilaterally affecting the rights of those employees.

5. The Hon'ble Supreme Court of India in the case of Grid Corporation of Orissa and Others Vs. Rasananda Das, in Civil Appeal No.5525 of 2000 dated 26.09.2003 [reported in (2003) 10 SCC 297] held that

"there was protection of service conditions of such employees but there was no prohibition from improving them or giving better pay scales."

6. The benefits conferred on the employees cannot be taken away unilaterally by the employers. Only in the event of any illegality in the matter of fixation of pay or grant of



benefits, the same may be rectified by the employer. In the present case, the petitioners submitted an application before the One Man Commission for rectification of pay anomaly. The One Man Commission, while considering the case of the non-teaching staff, recommended their case for grant of University Allowance on par with the teaching staff. The Government also accepted the recommendation and issued orders in G.O.Ms.No.574, Agriculture Department dated 17.03.1981. Once the benefit of University Allowance has been conferred on the non-teaching staff of the Agricultural University, the same cannot be taken away affecting the rights of the writ petitioners to get the University Allowance.

7. It is brought to the notice of this Court that these employees are getting University Allowance for many years and such allowances already granted is to be reconsidered only at the time of next revision of pay. In such circumstances, the authorities may reconsider and merge the allowance or create a policy which would be beneficial to the employees or otherwise. The revision of pay and further fixation is the policy decision to be taken by the competent authorities.

8. As far as the impugned order is concerned, the decision is unilateral in nature and further affecting the service conditions of the non-teaching staff of the Agricultural University. Further more the University Allowance was granted based on the One Man Commission report and pursuant to the Government orders accepting the report of the One Man Commission. This being the factum established, the writ petitions are to be considered. Accordingly, the order impugned passed by the 2nd respondent in No.A3/3843/2013 dated 24.12.2013, is quashed. The writ petitions stand allowed. No costs.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

ars/nti

To

1. The Secretary to Government,
State of Tamil Nadu,
Agricultural Department
Fort St.George, Chennai-600 009.



2. The Registrar,
The Tamil Nadu Agricultural University,
Coimbatore 614 003.

+2ccs to Mr.D.Prabhu Mukunth Arunkumar, Advocate, S.R.Nos.33229
& 33230

+2ccs to Mr.Abdul Saleem, Advocate, S.R.Nos.33175 & 33348

+1cc to the Government Pleader, S.R.No.33632

W.P.Nos.3141 & 7090 of 2014

GSM(CO)
RLP(07/07/2022)