



W.P. No.24821 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No.24821 of 2022 and
W.M.P.No.23752 of 2022

1.D.Selvam
2.K.Sekar

... Petitioners

Vs.

1.The Member Secretary
Pondicherry Institute of Post-matric
and Technical Education (PIPMATE)
Lawspet, Puducherry – 605 008.

2.The Education Secretary,
Chairman – Pondicherry Institute of Post-matric
and Technical Education (PIPMATE)
Chief Secretariat, Puducherry – 605 001.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to consider and pass orders in our representations on the date of 16.06.2022 by extending the benefit of G.O.Ms.No.29 dated 26.10.2021 to the Lab Instructor/Workshop Instructor (Non gazette category of teaching staffs/ Technical Staff) in particular to fixation of age of superannuation as 62 years, in terms of the AICTE regulations vide F.No.61-1/7th CPC/2016-17 dated 01.03.2019.

For Petitioners : Mr.S.Arunkumar

For Respondents : Mr.R.Syed Mustafa
Special Govt. Pleader (Puducherry)



W.P. No.24821 of 2022

ORDER

The prayer sought for herein is for a writ of mandamus directing the respondents to consider and pass orders on the representation of the petitioners dated 16.06.2022 by extending the benefit of G.O.Ms.No.29 dated 26.10.2021 to the Lab Instructor/Workshop Instructor (Non gazetted category of teaching staffs/Technical Staff) in particular to fixation of age of superannuation as 62 years, in terms of the AICTE regulations vide F.No.61-1/7th CPC/2016-17 dated 01.03.2019.

2. The petitioners have been working as Lab Instructor and are going to complete 60 years of age, so, as per the present rule, they will be superannuated at the end of 60 years. However, insofar as the teaching staff working in the respondent Institute is concerned, such superannuation age can be extended for further two years upto 62 years and this is available in G.O.Ms.No.29, Chief Secretariat (Higher & Technical Education) Puducherry, dated 26.10.2021. Therefore, in order to get extension of the benefit of G.O.Ms.No.29 to the petitioners, they have given a representation on 16.06.2022 to the respondents, since the same was not considered, the petitioners have filed the present writ petition.



W.P. No.24821 of 2022

3. Heard Mr.S.Arunkumar, learned counsel appearing for the petitioners and Mr.R.Syed Mustafa, learned Special Government Pleader appearing for the respondents.

4. The learned Special Government Pleader appearing for the respondents would submit that, the benefit provided under G.O.Ms.No.29 is meant for teaching staff only. Insofar as the petitioners are concerned, though they claimed to be a teaching staff under the category of Lab Instructor, they cannot be construed as a teaching staff, therefore the benefit cannot be extended by extending the superannuation age of 60 years to 62 years as per G.O.Ms.No.29 to the petitioners. Moreover, the extension of superannuation age from 60 years to 62 years or even upto 65 years would be throughly at the discretion of the respondent only for teaching staff based on the norms, but the norms are fixed from time to time, therefore that cannot be expected to be extended to the petitioners who are not a teaching staff according to the respondents.

5. I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.



W.P. No.24821 of 2022

6. Whether the petitioners are teaching staff or not and in that capacity whether is entitled to get the extension of superannuation age from 60 years to 62 years as per G.O.Ms.No.29 or otherwise can be decided only by the respondents. Therefore, the representation given in this regard by the petitioners dated 16.06.2022 can be considered and decided by them on merits and in accordance with law within a time frame. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

That there shall be a direction to the respondents to consider the representation of the petitioners dated 16.06.2022 and pass orders thereon on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

7. With this direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

14.09.2022

Index : Yes / No
Speaking Order : Yes / No
Sgl



W.P. No.24821 of 2022

To
WEB COPY

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W.P. No.24821 of 2022

R.SURESH KUMAR, J.

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