



W.P.(MD) No.2040 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.2040 of 2020

M.Raghuram

... Petitioner

-VS-

1.The Principal Secretary
Department of Higher Education,
St. George Fort,
Chennai.

2.The Registrar,
Madurai Kamaraj University
Madurai 21.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 2nd respondent to promote the petitioner to Assistant Librarian as per Syndicate resolution dated 28.12.1990 and 23.07.2008 and the consequential monetary benefits applicable in promotion from the year 2008 onwards with the applicable 7th pay commission over it and adding of 4.5 years service in ISI, Bangalore for calculation of pension and the difference of pension benefits and pension to



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be released within a time frame fixed by this Court.

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For Petitioner : Mr.R.Ramasamy
For Respondents : Mr.R.Sethuraman for R1
Special Government Pleader
Mr.Ragatheeshkumar for
M/s.Isaac Chambers for R2

ORDER

This writ petition has been filed for a direction to the 2nd respondent to promote the petitioner to Assistant Librarian as per Syndicate resolution dated 28.12.1990 and 23.07.2008 and the consequential monetary benefits applicable in promotion from the year 2008 onwards with the applicable 7th pay commission over it and adding of 4.5 years service in ISI, Bangalore for calculation of pension and the difference of pension benefits and pension to be released within a time frame fixed by this Court.

2.It is the case of the petitioner that the petitioner was initially appointed as Junior Technical Assistant in the Indian Statistical Institute (ISI) and in the said cadre, the petitioner worked for a period of five years.



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Subsequently, the petitioner was selected to the post of Senior Technical Assistant (Library) in the 2nd respondent University and as such, the petitioner is working as a Scheme staff under the control of the 2nd respondent University and subsequently the Scheme has been taken over by the Government of Tamil Nadu and he was put up in the role of the 2nd respondent and the staff working under the scheme through Syndicate resolution taken over in the 2nd respondent University with a condition that the pension benefits and promotion would be on par with the University staff along with pay protection. The petitioner was eligible to be promoted as Technical Officer (PG), however, he was posted as Technical Officer (UG), which is against the syndicate resolution. As per the syndicate resolution, G.O.No.1786 dated 05.12.1988 has to be implemented and the junior/senior technical assistant in the library are redesignated as Assistant Librarian as per UGC scale. While so, the 2nd respondent issued a letter on 28.11.2008 stating that the scheme staff designation and their pay has been protected on par with the university staff. Therefore, the petitioner made representations on 18.12.2008, 10.01.2011, 28.11.2013, 8.05.2018 to include the service at ISI, to implement 7th pay commission from



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01.01.2016. The further case of the petitioner is that his next avenue of promotion is to the post of Assistant Librarian and the petitioner has not even been considered for the post of Technical Officer (PG). Since the same were not considered, the petitioner is before this Court with this writ petition.

3. Heard the learned counsel for the petitioner, the learned Special Government Pleader for the respondent No. 1 and the learned counsel for the 2nd respondent.

4. Considering the facts and circumstances of the case and without expressing any opinion with regard to the merits of the matter, this writ petition is disposed of directing the 2nd respondent to consider the representation of the petitioner dated 03.08.2017 within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

06.12.2022

Index : Yes
Internet : Yes/No

RR



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To

1. The Principal Secretary
Department of Higher Education,
St. George Fort,
Chennai.



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M.DHANDAPANI, J.

RR

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