



W.P.(MD)No.9815 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:21.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.9815 of 2020

and

W.M.P(MD)Nos.8805 & 8807 of 2020

S.Selvanayagam

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Department of Higher Education Fort,
St. George, Chennai – 600 009.

2.The Director of Technical Education,
Directorate of Technical Education,
(DOTE), 53, Sardar Patel Road, Guindy,
Chennai- 600 025.

3.The Principal,
Muthiah Polytechnic College,
Annamalai Nagar, Chidambaram RS,
PIN- 608 002.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings No.35822/C1/2018-5, dated 14-Jul-2020 of the second respondent and quash the same as illegal and to consequently direct the respondents to reinstate the petitioner in Pay Band IV in the pay scale of Rs.37400-Rs.67000 + AGP Rs.9000 on 05-August 2008 and sanction all further pay progressions with applicable monetary benefits.



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For Petitioner	: Mr.Rajpal Singh
For R1 & R2	: Mr.S.Saji Bino, Special Government Pleader
For R-3	: No Appearance

ORDER

This writ petition has been filed to quash the impugned proceedings No.35822/C1/2018-5, dated 14.07.2020, issued by the second respondent and to consequently direct the respondents to reinstate the petitioner in Pay Band IV in the pay scale of Rs.37400-Rs.67000 + AGP Rs.9000 with effect from 05.08.2008 and sanction all further pay progressions with applicable monetary benefits.

2. The petitioner is a retired employee and he retired from service as Lecturer (Selection Grade) in the Department of Mechanical Engineering at Muthiah Polytechnic College, Annamalai Nagar, Chidambaram RS, Cuddalore District. It is the case of the petitioner that the petitioner joined services as Draughtsman in the year 1975 and subsequently, he was promoted as Lecturer in the year 1983 and was upgraded as Associate Lecturer in the year 1985. Subsequently, he was promoted to the post of Lecturer in the year 1989 and further upgraded as Senior Lecturer in the year 1995. While being so, the Government issued G.O.Ms.No.111 Higher Education Department (C2)



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Department, dated 25.05.2010, revising the pay scale of teachers from 01.01.2006. Subsequently, the petitioner was given pay progression and his pay was fixed in Pay Band IV in the pay scale of Rs.37400 -Rs.67000 + AGP Rs.9000 with effect from 05.08.2008, vide proceedings of the third respondent, dated 27.07.2010 and he relieved from service on 31.08.2011 and he received the pensionary benefits.

3. The further case of the petitioner is that clarification regarding the counting of service rendered in pre-revised pay scale prior to 01.01.2006 was issued in the All India Council for Technical Education Notification, dated 04.01.2016 and subsequently, necessary guidelines were also issued for the implementation of the Career Advancement Scheme. Immediately, the petitioner made a representation to the second respondent requesting to refix him in the pay scale of Rs.37400-Rs.67000+AGP Rs.9000 as on 01.01.2006, which is applicable to the petitioner. However, the second respondent vide the impugned order had announced that the date of fixation of the petitioner's pay in Pay band III with AGP of Rs.8000 is 01.01.2006 and denies the pay scale of Rs.37400 -Rs.67000+AGP Rs.9000 and downgrade the petitioner and ordered for recovery. Challenging the same, the present writ petition is filed.



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4. The learned counsel appearing for the petitioner would submit that the present impugned order is passed without providing any opportunity to the petitioner and in similar circumstances in W.P(MD)No.7267 of 2020, vide order dated 15.12.2022, this Court quashed the impugned proceedings and therefore, prayed for allowing of this writ petition.

5. Though a detailed counter affidavit has been filed by the second respondent, the counter affidavit did not show that the petitioner was given sufficient opportunity before passing the impugned order.

6. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 and 2 and perused the materials placed before this Court.

7. This Court perused the impugned order, dated 14.07.2020, which shows that without providing any opportunity to the petitioner, based on the report of the Screening Committee, the second respondent has passed the impugned order, which is in violation of principles of natural justice and the same is liable to be set aside.



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8. Accordingly, this writ petition is allowed and the impugned order of the second respondent, dated 14.07.2020, is set aside and the matter is remanded back to the second respondent for considering the matter afresh. The second respondent is directed to issue a show-cause notice to the petitioner and if any show-cause notice is issued, the petitioner is directed to give explanation and after receipt of such explanation and after conducting enquiry, the second respondent shall pass appropriate orders in accordance with law. No Costs. Consequently, connected miscellaneous petitions are closed.

21.12.2022

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Index: Yes/No

To

1. The Principal Secretary,
State of Tamil Nadu,
Department of Higher Education Fort,
St. George, Chennai – 600 009.
2. The Director of Technical Education,
Directorate of Technical Education,
(DOTE), 53, Sardar Patel Road, Guindy,
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M.DHANDAPANI, J.

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