



W.P.(MD)Nos.19727, 19430 to 19432, 20738 to 20746, 21239 to 21242 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2022

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

**W.P. (MD)Nos.19727, 19430 to 19432, 20738 to 20746, 21239 to 21242
of 2018**

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and

**W.M.P. (MD)Nos. 17269, 17271,17273, 17511, 18486 to 18499, 18501,
18503, 19075 to 19082, of 2018, 1778 to 1782, 1820 to 1822, 1833 to
1835, 1837, 1838, 1843 and 1854 of 2022**

S.Narayanan ... Petitioner in W.P.(MD)Nos.19727 of 2018

P.Manickam,

Deputy Registrar(U) (Under Reversion), Alagappa University,
Karaikudi, Sivagangai District

... Petitioner in WP(MD). 19430/ 2018

Sp.Geetha,

Deputy Registrar(U) (Under Reversion), Alagappa University,
Karaikudi, Sivagangai District

... Petitioner in WP(MD). 19431/ 2018

P.Chinniah,

Assistant Registrar(U) (Under Reversion), Alagappa University,
Karaikudi, Sivagangai District

... Petitioner in WP(MD). 19432/ 2018

P.Jeyanthi,

Assistant(U) (Under Reversion), Alagappa University,
Karaikudi, Sivagangai District

... Petitioner in WP(MD). 20738/ 2018

Kr.Jeya,

Assistant(U) (Under Reversion), Alagappa University,
Karaikudi, Sivagangai District

... Petitioner in WP(MD). 20739/ 2018

M.Umamaheswari,

Assistant(U) (Under Reversion), Alagappa University,
Karaikudi, Sivagangai District

... Petitioner in WP(MD). 20740/ 2018

T.D.Kamini,

Assistant(U) (Under Reversion), Alagappa University,
Karaikudi, Sivagangai District

... Petitioner in WP(MD). 20741/ 2018



M.Hemalatha,

Assistant(U) (Under Reversion), Alagappa University,
Karaikudi, Sivagangai District

... Petitioner in WP(MD). 20742/ 2018

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R.Ramesh Babu,

Assistant (U) (Under Reversion), Alagappa University,
Karaikudi, Sivagangai District

... Petitioner in WP(MD). 20743/ 2018

K. Sumathi,

Assistant(U) (Under Reversion), Alagappa University,
Karaikudi, Sivagangai District

... Petitioner in WP(MD). 20744/ 2018

T.Deepa,

Assistant (U) (Under Reversion), Alagappa University,
Karaikudi, Sivagangai District

... Petitioner in WP(MD). 20745/ 2018

S. Kavipriya,

Assistant(U) (Under Reversion), Alagappa University,
Karaikudi, Sivagangai District

... Petitioner in WP(MD). 20746/ 2018

G. Selvi,

Superintendent (U) (Under Reversion), Alagappa University,
Karaikudi, Sivagangai District

... Petitioner in WP(MD). 21239/ 2018

S.Sornam,

Superintendent (U) (Under Reversion) Alagappa University,
Karaikudi, Sivagangai Dist

... Petitioner in WP(MD). 21240/ 2018

P.Muthuselvi,

Superintendent (U) (Under Reversion) Alagappa University,
Karaikudi, Sivagangai Dist

... Petitioner in WP(MD). 21241/ 2018

P.Malarvizhi,

Superintendent (U) (Under Reversion), Alagappa University,
Karaikudi, Sivagangai District

... Petitioner in WP(MD). 21242/ 2018

vs.



The Registrar,
Alagappa University,
Karaikudi,
Sivagangai District.

... Respondents in all WPs

PRAYER in W.P.(MD)Nos.19727 of 2018:

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned order passed by the respondent in his proceedings Rc.A6/Estt/Syn.Min./2018, dated 27.08.2018 and to quash the same as illegal.

Prayer in WP(MD). 19430/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records relating to the impugned resolution in Item No.2 (ii) passed by the respondent in the 172nd meeting of its Syndicate held on 03/08/2018 and its consequential impugned order in Rc.A6 / Estt / Syn. Min /2018 dated 27/08/2018 (served on 31/08/2018) withdrawing the promotion without any notice and quash the same as illegal .

Prayer in WP(MD). 19431/ 2018 :

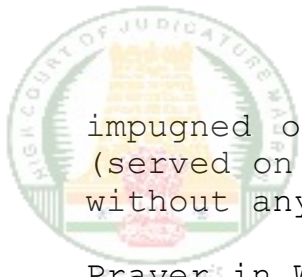
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Prayer in WP(MD). 19432/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records relating to the impugned resolution in Item No.2 (ii) passed by the respondent in the 172nd meeting of its Syndicate held on 03/08/2018 and its consequential impugned order in Rc.A6 / Estt / Syn. Min /2018 dated 27/08/2018 (served on 31/08/2018) withdrawing the promotion without any notice and quash the same as illegal .

Prayer in WP(MD). 20738/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records relating to the impugned resolution in Item.No.2(ii) passed by the respondent in the 172nd meeting of its Syndicate held on 03/08/2018 and its consequential



impugned order in Rc.A6 / Estt / Syn.Min / 2018 dated 27/08/2018 (served on 31/08/2018) withdrawing the promotion by way of upgrading without any notice and quash the same as illegal

Prayer in WP(MD). 20739/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records relating to the impugned resolution in Item.No.2(ii) passed by the respondent in the 172nd meeting of its Syndicate held on 03/08/2018 and its consequential impugned order in Rc.A6 / Estt / Syn.Min / 2018 dated 27/08/2018 (served on 31/08/2018) withdrawing the promotion by way of upgrading without any notice and quash the same as illegal

Prayer in WP(MD). 20740/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records relating to the impugned resolution in Item.No.2(ii) passed by the respondent in the 172nd meeting of its Syndicate held on 03/08/2018 and its consequential impugned order in Rc.A6 / Estt / Syn.Min / 2018 dated 27/08/2018 (served on 31/08/2018) withdrawing the promotion by way of upgrading without any notice and quash the same as illegal

Prayer in WP(MD). 20741/ 2018 :

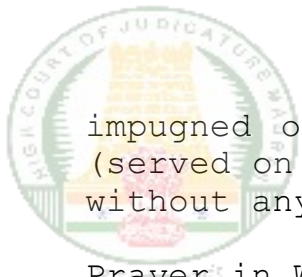
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Prayer in WP(MD). 20742/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records relating to the impugned resolution in Item.No.2(ii) passed by the respondent in the 172nd meeting of its Syndicate held on 03/08/2018 and its consequential impugned order in Rc.A6 / Estt / Syn.Min / 2018 dated 27/08/2018 (served on 31/08/2018) withdrawing the promotion by way of upgrading without any notice and quash the same as illegal

Prayer in WP(MD). 20743/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records relating to the impugned resolution in Item.No.2(ii) passed by the respondent in the 172nd meeting of its Syndicate held on 03/08/2018 and its consequential



impugned order in Rc.A6 / Estt / Syn.Min / 2018 dated 27/08/2018 (served on 31/08/2018) withdrawing the promotion by way of upgrading without any notice and quash the same as illegal

Prayer in WP(MD). 20744/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records relating to the impugned resolution in Item.No.2(ii) passed by the respondent in the 172nd meeting of its Syndicate held on 03/08/2018 and its consequential impugned order in Rc.A6 / Estt / Syn.Min / 2018 dated 27/08/2018 (served on 31/08/2018) withdrawing the promotion by way of upgrading without any notice and quash the same as illegal

Prayer in WP(MD). 20745/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records relating to the impugned resolution in Item.No.2(ii) passed by the respondent in the 172nd meeting of its Syndicate held on 03/08/2018 and its consequential impugned order in Rc.A6 / Estt / Syn.Min / 2018 dated 27/08/2018 (served on 31/08/2018) withdrawing the promotion by way of upgrading without any notice and quash the same as illegal

Prayer in WP(MD). 20746/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records relating to the impugned resolution in Item.No.2(ii) passed by the respondent in the 172nd meeting of its Syndicate held on 03/08/2018 and its consequential impugned order in Rc.A6 / Estt / Syn.Min / 2018 dated 27/08/2018 (served on 31/08/2018) withdrawing the promotion by way of upgrading without any notice and quash the same as illegal

Prayer in WP(MD). 21239/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records relating to the impugned resolution in Item No.2 (ii) passed by the respondent in the 172nd meeting of its Syndicate held on 03.08.18 and its consequential impugned order in Rc.A6/Estt/Syn.Min./2018 dated 27.08.18 withdrawing the promotion by way of upgrading without any notice and quash the same as illegal insofar as the petitioner is concerned.

Prayer in WP(MD). 21240/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records relating to the impugned resolution in Item No.2 (ii) passed by the respondent in the 172nd meeting of its Syndicate held on 03.08.18 and its consequential



impugned order in Rc.A6/Estt/Syn.Min./2018 dated 27.08.18 withdrawing the promotion by way of upgrading without any notice and quash the same as illegal insofar as the petitioner is concerned.

Prayer in WP(MD). 21241/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records relating to the impugned resolution in Item No.2 (ii) passed by the respondent in the 172nd meeting of its Syndicate held on 03.08.18 and its consequential impugned order in Rc.A6/Estt/Syn.Min./2018 dated 27.08.18 withdrawing the promotion by way of upgrading without any notice and quash the same as illegal insofar as the petitioner is concerned.

Prayer in WP(MD). 21242/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records relating to the impugned resolution in Item No.2 (ii) passed by the respondent in the 172nd meeting of its Syndicate held on 03.08.18 and its consequential impugned order in Rc.A6/Estt/Syn.Min./2018 dated 27.08.18 withdrawing the promotion by way of upgrading without any notice and quash the same as illegal insofar as the petitioner is concerned.

For Petitioner : Mr.C.Venkatesh Kumar for M/s.Ajmal Associates
in WP(MD).19727 of 2018

: Mr.M.E.Ilango, Advocate for W.P.(MD)Nos. 19430 to
19432, 20738 to 20746, 21239 to 21242 of 2018

For Respondents : Mr.P.Muthuvel

for M/s.Isaac Chambers (in all Cases)

COMMON ORDER

This Writ Petition is filed for issuance of a Writ of Certiorari, to quash the impugned order passed by the respondent in his proceedings Rc.A6/Estt/Syn.Min./2018, dated 27.08.2018.

2.The petitioner in W.P.(MD)No.20738 of 2018, was appointed as Junior Assistant cum Typist in the respondent University on 12.02.2008. The respondent University is having 18 different sections and it has to be managed with limited number of staff. During the period between 2015 and 2018, the University's growth was very rapid with increase in student strength. The grant was also increased from Rs.271 crores to Rs.315 crores. The said grant was utilized for various improvements in all departments. Various development initiatives had been carried out with a limited number of staff.



3. The petitioner is working in the same post for over 10 years. Hence, he submitted representation before the Grievance Committee for making upgradation because the activities of the University have expanded in various field. The Grievance Committee in its meeting held on 29.05.2018 had considered the petitioner's claim and vide Resolution No.4 it was decided to upgrade the post mentioned in the said minutes. The Syndicate in its 171st meeting has resolved to approve the minutes of the meeting of Grievance Committee and it was resolved to upgrade to the staff members to the next category on the basis of the additional requirement. Based on the resolution, the petitioner was promoted as Assistant by upgradation vide proceedings dated 01.06.2018 and the petitioner has joined the duty immediately on the same day and is discharging the duty in the said post. However, in the next 172nd meeting in item No.2 (ii), it was decided to reject the promotions given by upgradation without giving any notice and calling for any objections. Further in view of the impugned resolution, the respondents, vide proceedings, dated 27.08.2018, withdrawn the promotion already granted without any notice.

4. The contention of the petitioner is that the promotion by upgrading to the next level of category is not unknown in the history of the University. The same is in vogue from the time of its functioning and it is a practice to upgrade the post and the same would be regularized subsequently as and when the substitution post become vacant. Aggrieved over the revocation of upgradation and the consequential order, the petitioner has preferred this Writ Petition.

5. The respondents have circulated a typed set of papers and has relied on the minutes of the Grievance Committee and has stated that the Grievance Committee after hearing the petitions from the staff recommended for upgrading the said post. The Syndicate while deliberating on such upgradation, considered the issue and has approved the Grievance Committee recommendation. However, the Finance Committee of the University was not consulted for such upgradation with consequential monetary benefits. It would affect the Finances position of the University. The University Syndicate has violated the G.O.Ms.No.110, Higher Education (K1) Department, dated 12.06.2018. In the said G.O., the Government has allotted grant-in-aid of Rs.155.01 lakhs to Alagappa University. This grant was allotted with effect from 1996-1997 onwards. Since all the Universities in Tamil Nadu submitted a representation to the Government to increasing the grant, the Government has constituted an Official Committee for revision of block grant to the Universities under the Administrative Control of the Higher Education Department, vide G.O.Ms.No.233, Higher Education (K1) Department, dated 11.08.2017. The recommendation was submitted to the Government. The Government have examined the recommendations of the Official Committee. Accordingly, the Government revised the



block grant to various Universities. The proposal for the Alagappa University, the Government has accepted Rs.626.19 lakhs as grant to the University.

6.The contention of the respondents is once the grant is increased, the respondent would consider the case of the petitioners for upgradation and their consequential monetary benefit. As on today, the grant has not been increased. Therefore, granting of monetary benefits will be a financial burden on the University. The respondents also submitted that the "Committee on Assessment and Rationalization of Organizational Structure", in its meeting has deliberated and has considered the entire issue. The Committee has recommended for additional ministerial and technical staff. The relevant portion of the minutes is extracted here under:

"The Committee is of the strong view that the Additional Ministerial and Technical Staff recommended is an absolute minimum requirement to cope up with the Digital Financial Transactions, Examination related work and to handle the large number of computers, software, high-end sophisticated scientific instruments and compilation of various data."

7. It was resolved in the meeting that in order to manage the additional load of work, additional staff would be inducted and the committee has recommended 144 posts of Ministerial Staff and 45 posts of Technical Staff. If such posts are created, the petitioners would be granted the created posts. The respondents submitted that the claim of the petitioner cannot be granted at this stage because of the financial constraints.

8.Heard Mr.C.Venkatesh Kumar for M/s.Ajmal Associates, learned Counsel appearing for the petitioner in W.P.(MD)No.19727 of 2018 and Mr.M.E.Ilango, learned Counsel appearing for the petitioners in other Writ Petitions and Mr.P.Muthuvel, learned Counsel appearing for the respondent in all Writ Petitions.

9.It is seen from the records that the petitioners are working in Junior Assistant post and other posts. They are working in the said post without any promotion and monetary benefits. Since they are stagnating in the same position, the petitioners are requesting for either upgrading the post with monetary benefits or with promotion. The Grievance Committee having accepted the grievance of the petitioners, had recommended to grant the said upgradation. As rightly pointed out by the learned Counsel appearing for the petitioners, upgradation is not new to the University, as and when the vacant position arises, upgraded posts will be inducted in the vacant post.



10.The respondents also submitted that the posts will be created for future that too 145 ministerial staff and 45 technical staff. As and when it is created, the petitioners would be inducted in the said post. However, in the interregnum period if it is granted, the financial burden of the University would increase. That is why, the Finance Committee has disapproved recommendation of the Syndicate. The respondents also submitted it is incumbent on the Universities to take concurrence of the Finance Department, before considering the monetary benefits.

11. In the present case, the Finance Department opinion was not obtained prior to granting of the upgradation and a mistake was committed by the respondents. The petitioners submitted that the upgradation with the monetary benefits would be very meagre and the respondents would not have any financial deficit.

12.Therefore, this Court is of the considered opinion that the respondents shall confer the upgradation to the petitioners from the initial date of upgradation granted under 171st meeting of Syndicate. As far as the monetary benefits is concerned, the respondents can pay the benefits in installments, if there is any financial difficulties. The resolution of 172nd meeting is set aside. The respondents are directed to implement the order within a period of four weeks from the date of receipt of the copy of the order.

13.With this direction, the Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Tmg

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.



W.P.(MD)Nos.19727, 19430 to 19432, 20738 to 20746, 21239 to 21242 of 2018

To

The Registrar,
Alagappa University, Karaikudi,
Sivagangai District.

+1 CC to M/s.M.E.ILANGO, Advocate (SR-11244[F] dated 10/03/2022)

W.P. (MD)Nos.19727, 19430 to 19432,
20738 to 20746, 21239 to 21242 of 2018
09.03.2022

SRR(CO)
TR(07.04.2022) 10P 3C