



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2022

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD)Nos.20983 & 22944 of 2018

and

W.M.P. (MD)Nos.20838, 20839, 18751 & 18752 of 2018

W.P. (MD)No. 20983 of 2018:

K.Subramanian	...	Petitioner
vs.		
The Alagappa University, represented by its Registrar, Karaikudi, Sivagangai District.	...	Respondent

W.P. (MD)No. 22944 of 2018:

M.Murugesan	...	Petitioner
vs.		
The Alagappa University, represented by its Registrar, Karaikudi, Sivagangai District.	...	Respondent

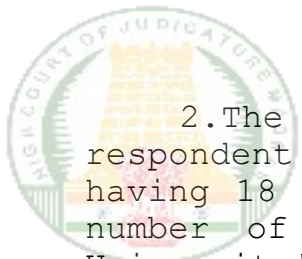
COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned resolution in item No.2(ii) passed by the respondent in the 172nd meeting of its Syndicate held on 03.08.2018 and its consequential impugned order in Rc.A6/Estt/Syn.Min./2018, dated 27.08.2018 (served on 31.08.2018) withdrawing the promotion without any notice and to quash the same as illegal in so far as the petitioner is concerned.

(In both cases)

For Petitioner	: Mr.S.Anwar Sameem
For Respondent	: Mr.P.Muthuvel
	for M/s.Isaac Chambers

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 was appointed as Junior Assistant in the respondent University on 07.07.2000. 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 Registrar 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 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.S.Anwar Sameem, learned Counsel appearing for the petitioner and Mr.P.Muthuvel, learned Counsel appearing for the respondent.

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.

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

Sd/-

Assistant Registrar (CS-I)

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Sub Assistant Registrar(CS)

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.



To

The Registrar,
Alagappa University,
Karaikudi,
Sivagangai District.

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+2 CC to M/s.T.ANTONY ARUL RAJ, Advocate (SR-11750[F] & SR-11752[F]
dated 14/03/2022)

+2 CC to M/s.ISAAC CHAMBERS, Advocate (SR-12003[F] & SR-12004[F]
dated 14/03/2022)

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RS (29.03.2022) 5P-6C