



W.P.(MD).No.28644 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.28644 of 2022

and

W.M.P.(MD).No.22670 of 2022

A.Niranjana

... Petitioner

vs.

- 1.The Principal Secretary to Government,
Finance (Pay Cell) Department,
Secretariat,
Chennai -9.
- 2.The Registrar,
Mother Teresa Women's University,
Kodaikanal,
Dindigul District.
- 3.The Finance Committee
represented by the Vice Chancellor /Chairman,
Mother Teresa Women's University,
Kodaikanal,
Dindigul District.
- 4.The Assistant Director,
Local Fund Audit,
2nd Floor,
Collectorate,
Dindigul.



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5.The Finance Officer,
Mother Teresa Women's University,
Kodaikanal,
Dindigul District.

6.The Regional Joint Director,
Local Fund Audit,
2nd Floor, Collectorate,
Dindigul.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to impugned proceedings in Proc.No. 073/WU/Registrar/Estt/Pay Fixation/2022, dated 28.06.2022 of the 2nd respondent impugned proceedings in Letter No. 073/A.The.Ma.Pa/Ni.Thi/2022, dated 21.09.2022 of the 5th respondent herein and impugned proceedings in Letter No. 073/A.The.Ma.Pa/Ni.Thi/2022 dated 25.11.2022 of the 2nd respondent herein and quash the same and consequently direct the respondents 2 to 5 herein to repay a sum of Rs.13,542/- to the petitioner and continuously pay the incentive increment for petitioner's BCA Degree as per G.O.No. 321 Finance (pay commission) Department, dated 02.07.1998 and G.O.Ms.No.241 Finance (Pay Cell) Department, dated 22.07.2013 and clarification letter dated 25.05.2015 by the State Government to the petitioner.



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For Petitioner : Mr.T.Pon Ramkumar
For R1, R4 & R6 : Mr.K.Christy Theboral
Additional Government Pleader
For R2 : Mr.E.V.N.Siva

ORDER

This writ petition has been filed challenging the impugned proceedings of the second respondent dated 28.06.2022, impugned proceedings of the fifth respondent dated 21.09.2022, impugned proceedings of the second respondent dated 25.11.2022 and to quash the same and consequently direct the respondents 2 to 5 to repay a sum of Rs.13,542/- to the petitioner and continuously pay the incentive increment for petitioner's B.C.A., degree, as per G.O.No.321 Finance (pay commission) Department, dated 02.07.1998, G.O.(Ms.)No.241 Finance (Pay Cell) Department, dated 22.07.2013 and clarification letter dated 25.05.2015 by the State Government to the petitioner.



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2. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that she was appointed as Junior Assistant in the second respondent University in the year 2003 and she joined duty on 26.12.2003. Thereafter, the second respondent University revised her scale of pay by granting two advance increments for degree qualification viz., B.C.A., with effect from 26.12.2003, on the basis of G.O.No.321 Finance (pay commission), Department, dated 02.07.1998. The petitioner was joined as Junior Assistant in the second respondent University in the time scale of pay of Rs.3200-85-4900. The benefit of G.O.No.321 dated 02.07.1998 viz., two advance increments has been granted to her in the year 2005 with effect from 26.12.2003. She has received the said increments till June 2019. The fourth respondent has raised an audit objection and directed the petitioner to repay the excess amount. Aggrieved against the same, the petitioner has filed a writ petition in W.P.(MD).No.21723 of 2019 and this Court, by order dated



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15.10.2019, granted interim stay and directed the respondents herein to repay the recovered amount within two weeks. Subsequently, this Court, by order dated 14.02.2022, set aside the order passed by the second respondent dated 29.07.2019 and issued a direction to the second respondent to decide the issue on merits and in accordance with law, within a period of 12 weeks therefrom. However, without authoring the direction issued by this Court, the second respondent mechanically passed the impugned order on 28.06.2022. Pursuant to the same, the fifth respondent by way of impugned proceedings dated 21.09.2022, directed the petitioner to pay a sum of Rs.1,34,142/-. Immediately the petitioner has made a representation to the respondents. However, the second respondent by way of impugned proceedings dated 25.11.2022, deducted a sum of Rs.13,542/- in November month salary. In such circumstances, the petitioner has filed the present writ petition.

4. The learned counsel appearing for the petitioner would submit that though this Court issued a direction to the respondents to consider the petitioner's explanation and decide the issue on merits and in



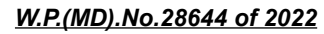
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accordance with law, within a period of twelve weeks, the second respondent has issued a show cause notice on 08.03.2022 and the petitioner has submitted her detailed explanation on 18.03.2022. Subsequently, an Executive Council Meeting held on 17.05.2022. Thereafter, the present impugned orders have been passed. Hence, he prayed for quashing the impugned orders.

5. Heard the learned counsel for the petitioner, learned Additional Government Pleader appearing for the respondents 1, 4 and 6 and the learned counsel appearing for the second respondent.

6. The short issue involved in the present writ petition is whether the petitioner is entitled to advance increments on her B.C.A., degree. The impugned order dated 29.07.2019 was challenged before this Court in W.P.(MD).No.21723 of 2019 and this Court, by order dated 14.02.2022, set aside the impugned order passed by the second respondent and remanded back the matter to the second respondent for fresh consideration. Admittedly, the second respondent has issued a show



7. With the above direction, this Writ Petition is disposed of. No
Consequently, the connected Miscellaneous Petition is closed.

21.12.2022

Note: Issue order copy on 26.12.2022.

akv



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M.DHANDAPANI,J.

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