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W.A.No.745 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **31.03.2023**

CORAM:

THE HONOURABLE MR. **JUSTICE D.KRISHNAKUMAR**
AND

THE HONOURABLE MRS. **JUSTICE K. GOVINDARAJAN THILAKAVADI**

W.A.No.745 of 2015

Dr.K.Sivasangeetha

... Appellant

Vs.

1. The Registrar,
Tamilnadu Dr. M.G.R.Medical University
Chennai -32.

2. Mrs.Dr.Jhansi Chares.
Registrar,
Tamilnadu Dr.M.G.R.Medical University,
Chennai 32.

...Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent against the order passed in W.P.No. 25267 of 2014 dated 01.04.2015.

For Appellant : Mr.C.Prakasam

For Respondents : Mr.R.Imayavaramban
for M/s. Ramalingam Associates



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JUDGMENT

[Judgment of the Court was delivered by D.KRISHNAKUMAR, J.]

This appeal has been filed challenging the order of the writ court, rejecting the claim of the petitioner for payment of additional charge allowance for holding additional post for the periods from 05.08.2010 to 31.07.2012 and from 01.09.2012 to 17.05.2013.

2. The learned counsel for the appellant relied upon the proceedings of the Vice Chancellor, the Tamil Nadu Dr.M.G.R.Medical University, Chennai in Proc.No.El(1)/44781/ 2010, dated 24.12.2010, wherein it is mentioned that as per FR 49(i) and (ii), additional pay for holding additional charge had been granted to one Srilakshmi, Reader, Department of Medical Genetics. Since the appellant is also similarly placed, she is also entitled or additional pay as per FR 49(i) and (ii) of the Fundamental Rules.

3. We have gone through the order passed by the learned Single Judge. The learned Single Judge has observed that the Tamil Nadu Dr.M.G.R.University is governed by the Statute approved by the Chancellor. Statute 20(5) of the Service Statutes of Tamil Nadu Dr.M.G.R. University reads thus:



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“A whole time university employee may be entrusted with any work connected with the University academic or administrative as required by the proper authority without any liability to meet the claim for additional remuneration.”

4. Statute 16(3) of the Service Statutes of the Tamil Nadu Dr.M.G.R. University excludes applicability of the Fundamental Rules in case it is inconsistent with the provisions of the Statute. Statute 16(3) of the Service Statutes reads thus:

“Applicability of F.B.:- The Fundamental Rules of the Tamil Nadu Government shall apply in general regarding pay fixation, increments, joining time, foreign service, additional charge, wherever it is not inconsistent with any of the provisions under these statutes and the Act.”

5. The appellant has relied upon the proceedings dated 24.12.2010, for seeking additional payment for additional charge. The learned Single Judge has clearly held that there is a bar under Statute 16(3) of the University Act, 1987. Fundamental Rules 49 is inconsistent with Statute 20(5) of the Service Statutes framed by the University. The appellant, therefore, cannot rely on Rule 49 of Fundamental Rules, to contend that she is entitled to additional remuneration; when there is specific bar under University Statutes.



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6. Therefore, we are not satisfied with the contentions raised by the appellant to interfere with the order of the Writ Court. There is no merit in the writ appeal and consequently, the writ appeal stands dismissed. No costs. M.P.No.1 of 2015 is also dismissed.

(D.K.K., J.) (K.G.T., J.)
31.03.2023

Intex : Yes/No
Internet : Yes/No
mrn



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To

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Tamilnadu Dr. M.G.R.Medical University
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2. Mrs.Dr.Jhansi Chares.
Registrar,
Tamilnadu Dr.M.G.R.Medical University,
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D.KRISHNAKUMAR, J.
and
K. GOVINDARAJAN THILAKAVADI

(mrn)

W.A.No. 745 of 2015

31.03.2023