



W.P.No.24261 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2023

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.24261 of 2012

and

M.P.No.1 of 2012

N.Mangaiyarkarasi
Retd. Associate Professor & HOD,
Department of Plant Biology & Biotechnology,
C.Kandawamy Naidu College for Women,
No. 20, Indira Nagar,
Kondur, Cuddalore.

... Petitioner

-Vs-

1. The Directorate of Collegiate Education,
Rep by its Director,
Chennai – 600 006.
2. The Joint Director of Collegiate Education,
Directorate of Collegiate Education,
Thiruchirapalli Zone,
Trichy – 20
3. C.Kandawamy Naidu College for Women,
Rep by its Registrar,
No. 20, Indira Nagar,
Kondur,Cuddalore.
4. Thiruvalluvar University,
Rep by its Registrar,
Serkardu.

... Respondents



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Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the 4th Respondent University to disburse the sixth pay commission arrears to the petitioner herein for her service in the 4th Respondent University in the post of Controller of Examinations for the period from 15.02.2007 to 24.10.2008 together with interest for the delayed payment.

For Petitioner : Mr.P.Dinesh Kumar

For R1& R2 : Mr.M.Muthusamy
Government Advocate

For R4 : No appearance

ORDER

This Writ Petition has been filed for direction directing the 4th respondent University to disburse the sixth pay commission arrears to the petitioner for her service in the 4th respondent University in the post of Controller of Examination for the period from 15.02.2007 to 24.10.2008.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents 1 & 2 and perused the materials available on record.



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3. The petitioner was appointed in the third respondent College as Associate Professor and Head of Department of Plant Biology & Biotechnology. During her service, the post of Controller of Examinations in the fourth respondent University fell vacant and she applied for the same. Considering the qualification and experience, she was appointed as Controller of Examination by the proceeding dated 28.12.2006. However, she was relieved from service vide proceedings in TU/R/Relieving Order/2008/980 and she had joined back in the third respondent College on 24.08.2008. Thereafter, the sixth pay commission came to be introduced revising the salaries and entitlements of various authorities in various institutions. However, the petitioner was not paid the arrears of revised salary for her service in the fourth respondent University for the period from 15.02.2007 to 24.10.2008. Therefore the petitioner made a representation.

4. On receipt of the same, the fourth respondent, by its communication dated 21.05.2012, stated that the petitioner was working as Controller of Examination from 15.02.2007 to 24.10.2008 in the fourth respondent University. During her service, there were allegations and anomalies in the publications of result of the University Examination



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held in the month of April 2008. Therefore, a meeting was convened by the syndicate on 15.10.2008 and it was resolved that considering the seriousness of the lapses or irregularities committed by the office of the Controller of Examination and thereby in matters related to the issue of provisional decree certificates to ineligible non-applicants, an official request be made to the police authorities to conduct a probe to find out the truth and to identify the persons involved, so as to facilitate the University to initiate necessary action.

5. Based on the resolution, a complaint was lodged before the Additional DSP-CBCID on 19.01.2009 and enquiry is pending. Therefore, the request made by the petitioner cannot be considered. However, the petitioner is entitled for revised scale of pay as per the Sixth Pay Commission subject to the result of the criminal case, if any.

6. The petitioner at is liberty to make a fresh representation to the respondents claiming the arrears of revised scale of pay as per the sixth pay commission subject to the result of the criminal case therein.



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7. With the above direction, this writ petition is disposed of.

Consequently, connected miscellaneous petition is closed.

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Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

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To

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