



W.P.No.21506 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON :	13.02.2023
PRONOUNCED ON :	12.04.2023

CORAM :

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P.No.21506 of 2014

Dr.N.C.Jayamani

... Petitioner

Vs.

The Registrar,
Tamil Nadu Dr.M.G.R.Medical University,
No.69, Anna Salai, Guindy,
Chennai 600 032

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the respondent in proceedings Lr.No.E1 (4)/21124/2013 dated 05.02.2014 and quash the same as illegal an further direct the respondents to revise the scale of pay of the petitioner in par with the Professor / Teaching Staff.

For Petitioner : Mrs.R.Poornima



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For Respondents : Mr.P.ElayaRajkumar
for M/s.Ramalingam Associates

ORDER

This writ petition is filed seeking to quash the order dated 05.02.2014 passed by the respondent-Dr.MGR Medical University, whereby the petitioner's request for revision of scale of pay was rejected. The petitioner further seeks for a direction to the respondents to revise the scale of pay on par with the Professor/Teaching Staff.

2. It is averred in the writ petition that the petitioner was appointed as Assistant Librarian in the year 1981 and thereafter, posted in various medical colleges. He was deputed and absorbed in the respondent University in the year 1989 and appointed as Librarian on 01.03.1995. The petitioner attained the age of superannuation on 31.12.2013.

3. It is submitted that Librarian is also a teaching staff and receiving the same scale of pay in all the universities. The definition of 'Teacher' in



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section 3(p) of the Dr.M.G.R.Medical University Chennai Act, 1987 Act, is
as under:-

“Teachers” means such lecturers, Readers, Assistant Professors, Associate Professors, Professors and other persons giving instruction in the University including the University Laboratories in affiliated colleges or approved institutions and Librarian as may be declared by the statutes to be teachers”.

It is also submitted that initially, there was a disparity in the pay of Professor and Librarian in the respondent University, therefore, the petitioner made a representation which was placed before the Governing Council Meeting and after resolution, the respondent revised his pay scale.

4. The contention of the petitioner is that till June 2011, the scale of pay for the Librarian was equal to that of the Professor. There was a revision of pay scale in the 90th meeting of the Finance Committee held on 28.06.2011. It was resolved that there shall be revision of scale of pay for



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the teaching and equivalent cadres in the respondent University and will be on par with the University of Madras. The scale of pay for the Professor was revised from Rs.15600- Rs. 39,100/- to Rs.37,400-Rs.67000/- and that the revision of pay is notional with effect from 01.01.2006 and with monetary benefit from 01.01.2010. So the petitioner made a request to the respondent University to consider his case for revision of scale of pay. In the meanwhile, the petitioner attained the age of superannuation on 31.12.2013 and his representation was kept pending and thereafter, the petitioner was served with impugned order dated 05.02.2014 stating that his request for revision of scale of pay is not feasible for compliance. Aggrieved against the same, the petitioner has preferred the present writ petition.

5. Per contra, the learned counsel for the respondent University submits that the Government in the Health and Family Welfare Department issued G.O.Ms.No.354 H& FW (B2 Department) dated 23.10.2009 after considering the request of the Government Doctors Association for grant of pay Band IV and sanctioned the Scale Pay of Rs.37400-67000 with Grade



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pay of Rs.10000/-However, the above said G.O., cannot be followed in the case of the petitioner since he is not a Doctor / Professor.

6. Heard both sides and perused the records carefully.

7. Admittedly as per Section 3(p) of the Dr.M.G.R.Medical University Chennai Act, 1987 Act, teachers include Librarian. All along Librarian post was equivated to the post of Assistant Professor/Lecturer and were receiving the same scale of pay. The petitioner had been receiving equal pay on par with the Professor in the respondent University. The petitioner had put in more than 25 years of service and therefore, when the previous orders of the University clearly show that when Professors and Lecturers are equal, there cannot be any reason to reject the revision of pay to the petitioner alone whose scale of pay is equivated to the post of Professor. As per section 3(p) of the Act, teacher includes Librarian. Therefore, petitioner who held the position as Librarian has to be treated on par with Teachers/Lecturers/Professors and he ought to have been given the revised



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scale of pay and the monetary benefits as resolved in the Meeting of the respondent University. Therefore, the argument of the learned counsel for the respondent university who justified the rejection of request of the petitioner for the revised scale of pay, cannot be accepted by this court.

8. In view of the foregoing discussions, the impugned order dated 05.02.2014 is set aside and consequently, the writ petition is allowed. The respondent University is directed to revise the pay scale of the petitioner equal to the pay scale of Professor and pay the monetary benefits entitled to him as per the rules governing the respondent university. Such exercise shall be carried out by the respondent within a period of six months from the date of receipt of a copy of this order. No costs.

12.04.2023

Index : Yes/No
Speaking Order: Yes/No

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To

The Registrar,
Tamil Nadu Dr.M.G.R.Medical University,
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Chennai 600 032



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J.NISHA BANU, J.

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