



W.P.(MD)No.9942 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.9942 of 2020

and

W.M.P(MD)Nos.8900, 8902 and 8903 of 2020

- 1.P.Suresh(died)
- 2.T.Balasubramanian
- 3.N.Iyyappan
- 4.P.Perachi
- 5.R.Shunmugamani
- 6.C.Ravichandran
- 7.G.Ravikumar
- 8.S.Vairaraj
- 9.S.Vijaya
- 10.S.Ashwin

(P9 & P10 are substituted vide Court order
dated 20.01.2023 by MDIJ)

... Petitioners

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Additional Chief Secretary
to the Government,
Finance Department,
Fort St. George, Chennai- 9.



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2.The Manonmaniam Sundaranar University,
Rep. by its Registrar,
Abishekapatti,
Tirunelveli, Tirunelveli District.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned Government letter issued by the first respondent in Letter No.4866/CMPC/2013-14 dated 22.01.2020, quash the same insofar as addressing to the second respondent University and reducing the scale of pay of the petitioners working as Drivers (Special Grade) in the second respondent University and further forbearing the respondents herein from reducing the existing scale of pay of the petitioners ie., from Rs.5500-175-9000.

For Petitioner	: Mr.T.Cibi Chakraborty
For R-1	: Mr.S.P.Maharajan, Special Government Pleader
For R-2	: Ms.H.Yasima Yasmin for M/s.Ajmal Associates

ORDER

This writ petition has been filed to quash the impugned Government letter issued by the first respondent in Letter No.4866/CMPC/2013-14, dated 22.01.2020, insofar as it addresses to the



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second respondent University to reduce the scale of pay of the petitioners, who are working as Drivers (Special Grade) in the second respondent University and to further, forbear the respondents herein from reducing the existing scale of pay of the petitioners ie., from Rs.5500-175-9000.

2. The case of the petitioners is that the petitioners were initially appointed as Drivers in the year 1994, 1996, 1997, 1998, 2000 and 2003 respectively. On completion of seven years of service in the ordinary scale of pay, they were awarded with Selection Grade and thereafter award with Special Grade by passing resolution in the syndicate. However, all of a sudden, the first respondent sent a communication to all the Universities to reduce the pay of Special Grade Drivers from Rs.5500-175-9000 to Rs.4300-100-6000. Apprehending that the respondent University may reduce the scale of pay, the petitioners have filed this writ petition with the aforesaid prayer.



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3. The learned counsel appearing for the petitioners would submit that though an executive direction cannot override a resolution, this Court may grant permission to the petitioners to make appropriate representation before the second respondent University expressing their grievance and on such receipt, the University may pass appropriate order after providing opportunity to the petitioners.

4. The learned counsel appearing for the second respondent University has no serious objection for such an order being passed by this Court.

5. Admittedly, the petitioners are enjoying the Special Grade Pay by way of syndicate resolution. However, the first respondent issued a letter to modify the pay of Selection Grade and Special Grade Drivers on par with the Government Servants. As rightly submitted by the learned counsel appearing for the petitioner, the letter issued by the Government cannot force the respondent University to modify the scale of pay of the petitioners since the pay was fixed based on the syndicate resolution. If



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at all the University is going to take a decision by way of resolution, this Court grants liberty to the petitioners to make a representation before the second respondent University, within a period of four weeks from the date of receipt of a copy of this order. If any representation is received from the petitioners, the same shall be considered and appropriate orders shall be passed by the University after providing opportunity to the petitioners, within a period of six weeks thereafter.

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

No Costs.

20.01.2023

pm

To

1.The Additional Chief Secretary
to the Government,
State of Tamil Nadu, Finance Department,
Fort St. George, Chennai- 9.

2.The Registrar,
Manonmaniam Sundaranar University, Abishekapatti,
Tirunelveli, Tirunelveli District.

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M.DHANDAPANI,J.

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