



W.P.(MD).No.14261 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P.(MD).No.14261 of 2019
and
W.M.P.(MD).No.10709 of 2019**

Dr.K.Jayaraman

... Petitioner

Vs.

The Registrar,
Bharathidasan University,
Trichy – 23.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent in its Ref.No.2243/H4/2017 dated 25.04.2019 and quash the same and consequently direct the respondents to count the service rendered by the writ petitioner from 22.01.2001 to 03.10.2005 for the purpose of fixing the pay under Career Advancement Scheme with all consequential and attendant benefits and arrears.

For Petitioner : Mr.V.Vijayshankar

For Respondent : Mr.V.R.Shanmuganathan,
Standing Counsel.



W.P.(MD).No.14261 of 2019

WEB COPY

ORDER

This Writ Petition is filed to quash the order dated 25.04.2019 and consequently direct the respondents to count the service rendered by the writ petitioner from 22.01.2001 to 03.10.2005 for the purpose of fixing the pay under Career Advancement Scheme with all consequential and attendant benefits and arrears.

2. The petitioner was appointed by the respondent University on temporary basis vide order dated 18.04.2002 and the relevant portion is extracted hereunder:

“I am, by direction, to inform you that you are provisionally selected for appointment as Temporary Lecturer in Department of Educational Technology, Bharathidasan University, Tiruchirappalli – 620 024, the salary of Rs.8,000/- p.m. in the scale of pay of Rs.8,000-275-10,200 plus usual allowances as per University norms”.

3. Subsequently, by an order dated 03.10.2005, the petitioner was appointed on regular basis. There is no dispute between the petitioner and the respondent with regard to the service rendered by the petitioner from



W.P.(MD).No.14261 of 2019

03.10.2005 onwards and he is still in service. However, there is a dispute between the petitioner and the respondent about the service rendered from 2005 for the purpose of fixation of pay under Career Advancement Scheme.

4. The contention of the respondent is that the petitioner has not worked as temporary Lecturer during that period, he has worked only as the Guest Lecturer from 26.08.2002 to 30.04.2005 and was paid Rs.100 per hour. The claim of the petitioner is that based on appointment order, he has served as temporary Lecturer in time scale of pay. The appointment order dated 18.04.2002 is disputed by the respondent by terming the appointment order as fabricated and fake one for which the respondent initiated disciplinary proceedings against the petitioner by issuing charge memo dated 23.05.2016. Subsequently, after enquiry, based on the recommendations of the Syndicate Sub-Committee dated 11.05.2018, the charge against the petitioner was dropped vide office proceedings dated 20.07.2018 and the same is extracted hereunder:

“Resolved that the recommendation of the Syndicate Sub-Committee (dated 11.05.2018) to drop all the charges levelled against Dr.K.Jayaraman, Assistant Professor; Department of Educational Technology based on the written explanation submitted by him and further written explanation as well as oral deposition made before the committee BE ACCEPTED AND APPROVED”.



W.P.(MD).No.14261 of 2019

WEB COPY

When the charge of fabricated appointment order was dropped, then consequently, the claim of the petitioner ought to be accepted. Therefore, the petitioner is entitled to count the said period along with the service from 2005 onwards, since the charges against the petitioner was dropped.

5. The petitioner further relied on the Teaching Experience Certificate issued on 08.07.2011 whereas the teaching experience certificate specifically states that the date of appointment on temporary basis is from 22.08.2001 to 02.10.2005 and experience period is “4 years 1 month 20 days” in time scale of pay of Rs.8000-275-1000. However, this claim is refuted by the respondent stating that the appointment order was issued on 26.08.2002 whereas in the teaching experience certificate it was mentioned as 22.08.2001. Since there is inconsistent in the appointment order, the respondent has initiated disciplinary proceedings. Such contention cannot be accepted, since subsequently, the disciplinary proceedings were resolved to be dropped.

6. Therefore, the petitioner is entitled to count his service. However, this Court is inclined to grant relief from the date of appointment order that is on 18.04.2002 only. The impugned order is quashed and the respondent is directed to count the service from 18.04.2002 to 02.10.2005 for the purpose of fixation



W.P.(MD).No.14261 of 2019

of scale of pay under Career Advancement Scheme. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

27.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

To

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Bharathidasan University,
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W.P.(MD).No.14261 of 2019

S.SRIMATHY, J.

Nsr

W.P.(MD).No.14261 of 2019

27.03.2023