



W.P(MD)No.14728 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2023

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THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14728 of 2021

and

W.M.P(MD)Nos.11656, 11658 & 11660 of 2021

R.Saradha

... Petitioner

Vs.

The Registrar,
Manonmaniam Sundaranar University,
Abhishekappati,
Tirunelveli.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order in MSU/R/Estt (Admn)/E4/2020 passed by the respondent on 20.02.2020 quash the same and consequently direct the respondent to re-fix the Petitioner's scale of pay in the scale of Rs.9300-34800 plus 4600 with effect from 19.09.2011 notionally and from 01.07.1994 monetarily and pay the consequential arrears of wages.

For Petitioner : Ms.D.Geetha

For Respondent : Mr.M.Mohaboob Athiff



W.P(MD)No.14728 of 2021

ORDER

Heard the learned counsel on either side.

2. The respondent is an University created by a statute. It issued an advertisement on 13.09.2007 calling for applications from eligible candidates for the post of Womens Hostel Matron. The petitioner applied in response thereto and she was appointed on 10.01.2008 on a consolidated pay of Rs.3000/- per month. The petitioner was subsequently absorbed in the post of Matron which was created by a syndicate resolution. The petitioner's pay scale was also fixed as Rs.5200/- to 20,200/- with grade pay of Rs.1,800/-. The grievance of the petitioner is that her pay scale has not been correctly fixed. She sought its revision. She was sending representation after representation. Since it was not considered, she filed W.P(MD)No.25904 of 2019. This Court vide order dated 05.12.2019 directed the respondent to pass order on the petitioner's representation. Pursuant to the said direction, impugned order dated 20.02.2020 came to be passed rejecting the petitioner's request. Questioning the same, the present writ petitioner came to be filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and



W.P(MD)No.14728 of 2021

called upon this Court to set aside the impugned order and grant relief as prayed for.

4. The respondent has filed counter affidavit and the learned Standing Counsel submitted that no interference is warranted.

5. I carefully considered the rival contentions and went through the materials on record.

6. Before I go into the merits of the matter, I must express my displeasure over the manner in which the respondent had disposed of the petitioner's request. It is one thing to reject the petitioner's request and it is quite another to threaten the petitioner for having made an application. It is well settled that any employee is entitled to raise a service dispute. If the grievances of the employee are not redressed, the employee can always invoke the writ jurisdiction of this Court and secure legal redress in the manner known to law. The petitioner has not come to any act of misconduct. She was entitled to say that the salary which she is drawing is woefully low and that persons discharging similar duties and responsibilities are getting higher pay and therefore her pay should be upwardly revised. The respondent while rejecting the petitioner's request had threatened the petitioner that University would be



W.P(MD)No.14728 of 2021

forced to abolish the post of Matron and relieve her from the service of the university. Such a threat is most unwarranted.

7. Coming to the merits of the matter, the core argument of the learned counsel appearing for the petitioner is that while in the case of other staff, the university applied UGC scales of pay, in the case of the petitioner, such an approach has not been adopted. It is not clear if the petitioner's case also will be covered under the UGC scales of pay. The learned counsel appearing for the petitioner has drawn my attention to the fact that other state instrumentalities and educational institutions and departments are also having similar post of Matron and they are placed in far higher scales of pay.

8. I am conscious that the financial muscle of the pay master will have to be taken into account before directing equal pay for equal work. It is not possible to compare Manonmaniam Sundaranar University with an institution like IIT. But then the employer is bound to take note of the fact that there is a gross disparity and there must be upward revision to the maximum possible extent. There is considerable merit in the contention of the learned counsel for the petitioner that in case of others UGC scales and Government scales apply, the petitioner alone cannot be dealt with on a different footing.



W.P(MD)No.14728 of 2021

9. In this view of the matter, I am constrained to interfere. The order impugned in the writ petition is set aside. The matter is remitted to the file of the respondent. The petitioner is reaching the age of superannuation in May 2024. Therefore, the order on her representation shall be passed in the light of the observations made earlier within a period of eight weeks from the date of receipt of a copy of this order. In any event, the petitioner's request cannot be rejected totally. It has to be favourably considered. The extent of upward revision alone is left open. The petitioner approached this Court way back in December 2019. The arrears of pay shall be paid to the petitioner with effect from 01.12.2019.

10. This writ petition is allowed on these terms. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

19.06.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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W.P(MD)No.14728 of 2021

G.R.SWAMINATHAN, J.

MGA

To

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