



W.P.(MD)No.16450 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.04.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.16450 of 2020

and

W.M.P.(MD).Nos.13760 & 13761 of 2020

D.Kamaraj

... Petitioner

Vs.

1.State rep by
The Commissioner,
Directorate of Technical Education,
53, Sardhar Patel Road,
Guindy, Chennai 600 025.

2.The Principal,
Virudhunagar S.Vellaichamy Nadar
Polytechnic College,
Virudhunagar 626001.

3.The Chairman,
Virudhunagar S.Vellaichamy Nadar
Polytechnic College,
Virudhunagar 626001.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to impugned order passed by the second and third



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respondents in memo No.F.50/2020/A3/O-3180-723 dated 30.09.2020 and quash the same as illegal and arbitrary and consequently direct the respondents to disburse the gratuity due to the petitioner within the time stipulated by this Court.

For Petitioner :Mr.V.Muthumani

For Respondents :Mr.VEerakathiravan
Additional Advocate General asst by
:Mr.N.Satheeskumar
Advocate General for R1

:Mr.G.Mariappan for R2

:Mr.G.Kannan for
M/s.Veera Associates for R3

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Advocate General assisted by the Advocate General for the first respondent and the learned counsel for the College Management.

2. The petitioner was employed as a teaching staff in second respondent polytechnic college. The petitioner has reached the superannuation and he was allowed to retire from service. However, his terminal benefits has not yet been settled, due to the dispute that the



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petitioner was paid in excess, while conferring the benefits of career advancement scheme.

3. The issue on hand is no longer *res integra*. A learned single Judge of this Court, by order dated 10.03.2022 made in W.P.(MD).Nos.1661 of 2019 etc., had held as follows:

23. In the present case, G.O.(Ms.S).No.58, dated 21.03.2018, unambiguously provides constitution of Screening-cum-Evaluation committee. The said Committee was constituted for the purpose of Career Advancement Scheme implemented by al the Polytechnic Colleges across the State of Tamil Nadu, while the Committee consists the members, who all are from the respective Colleges also. Therefore, there is no need to doubt about the constitution of the Committee and the Committee constituted was for the purpose of screening the Career Advancement Scheme granted to the teaching staff of the Polytechnic Colleges. G.O. (Ms).No.58 speaks about G.O.(Ms).No.111 also. A specific clarification is issued in Paragraph No.3(e) and (f), which is extracted hereunder:

"(e) The faculty who have already achieved the Career Advancement Scheme nors as



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specified in G.O.(Ms).No.111, Higher Education (C2) Department, dated 25.05.2010, before the issue of AICTE, Regulations on 08.11.2012, be given the Academic Grade Pay progression and monetary benefits from the date of attaining eligibility, since that Government Order has already been implemented and given effect to.

(f) G.O.(Ms).No.111, Higher Education (C2) Department, dated 25.05.2010, also states that norms as per AICTE Regulations shall become applicable for Career Advancement Scheme.

Since, AICTE Regulations were issued on 08.11.2012, from this date onwards, faculty should fulfill Training and Publications norms as specified in the said Regulations."

43. Insofar as the petitioners come under Batch-II writ petitions are concerned, they have availed the opportunity and appeared before the Screening Committee and presented their case. Therefore, providing further opportunity to them would not arise at all as the principles of natural justice have been complied with. The only endeavour is to ensure that the correctness or



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otherwise of the impugned orders now questioned by the petitioners is to be once again scrutinized by the Appellate Authority. As far as the Original Authority is concerned, the petitioners have participated before the Screening Committee representing their case and the Original Authority has taken a decision and issued the impugned orders of recovery and this Court do not find any infirmity. In such view of the matter,

The petitioners come under Batch-II writ petitions are at liberty to prefer appeal along with the documents and Government Orders in force under the General Rules before the Secretary to Government, Higher Education Department/Appellate Authority.

In the event of submitting any such appeal, the Appellate Authority shall consider the same on merits and in accordance with law and pass appropriate orders as expeditiously as possible.

The petitioners are at liberty to file interim applications along with the appeals before the Appellate Authority for grant of stay of the recovery orders.



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4. It is seen that this writ petition is squarely covered by the above said decision. The petitioner had appeared before the CAS-SES Committee on 14.12.2019. The said committee had decided that the amount yet to be recovered from the petitioner due to wrong pay fixation is Rs.13,19,745/- as on 31.01.2022. Liberty is granted to the petitioner to file an appeal before the appellate authority on the strength of true copy of the order passed by the committee, within a period of three weeks from the date of receipt of a copy of this order. If such an appeal is filed, the same shall be entertained by the appellate authority, after condoning the limitation and dispose of the appeal on merits and in accordance with law, within a period of four months thereafter.

5. Accordingly, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

12.04.2023

NCC :Yes/No

Internet :Yes/No

Index :Yes/No

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