



W.P.(MD) No.19058 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.19058 of 2018

and

W.M.P.(MD) No.16901 of 2018

P.C.Joba Prabakar

... Petitioner

-VS-

1.The Secretary to Government
Higher Education Department
Chennai.

2.The Director of College Education,
Chennai.

3.The Joint Director of Collegiate Education,
Tiruchirappalli Division,
Tiruchirappalli.

4.The Correspondent/Secretary
Tranquebar Bishop Manikam Lutheran College,
Porayar, Tharangambadi Taluk
Nagapattinam District

... Respondents



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Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified mandamus to call for the records of the impugned order of the 3rd respondent in Na.Ka.7993/A3/2014 dated 19.02.2015 and quash the same and consequently direct the respondents to re-fix the petitioner's pay on par with the petitioner's junior Mr.Jeevanantham, the Professor in Zoology, by awarding the increment Tamil Nadu Revised Scales of Pay Rules, 2009 and pay all arrears within the time fixed by this Court.

For Petitioner : Mr.S.Sathishkumar
For Respondents : Mr.J.Ashok for R1 to R3
Addl. Government Pleader
No appearance for R4

ORDER

Challenging the impugned order of the 3rd respondent dated 19.02.2015 and for a consequential direction to the respondents to re-fix the petitioner's pay on par with his junior, the petitioner is before this Court.



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2. The learned counsel for the petitioner would submit that the petitioner was appointed as Assistant Professor in Physics in the 4th respondent College in the year 1985. Thereafter, on completion of M.Phil, he was awarded the senior scale Lecturer on 21.10.1992 under career advancement scheme. He would further submit that in order to pursue higher studies, with prior permission from the 1st respondent, the petitioner availed study leave, under the Study Leave Rules, for a period of three years. Subsequently, he completed Ph.D., on 15.12.2000 and joined duty on 03.01.2001. The leave availed by the petitioner was also regularised by the 1st respondent vide order dated 17.04.2001. It is his submission that as per the Study Leave Rules, the leave granted ought to have been counted for the purpose of promotion, pension etc. On such calculation, the petitioner was awarded selection grade on 27.07.1998. He would further submit that while so, during the 6th pay commission, there occurred a pay anomaly for the petitioner and since the juniors are getting more pay, a representation was made to the 3rd respondent. However, the same was rejected stating that the notional increment was wrongly given, since the petitioner has availed leave for 3 years, 11 months and 2 days and for the notional increment thus



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granted, recovery order ought to have been passed. It is his further submission that such order of rejection has not been served on the petitioner.

3. The learned counsel for the petitioner would submit that to step up the pay of the petitioner on par with his junior, a direction may be issued to the petitioner to make a fresh representation to the respondents and the respondents may be directed to consider the same and pass appropriate orders.

4. Heard the learned Additional Government Pleader on the submissions made by the learned counsel for the petitioner.

5. In view of the limited relief sought for by the petitioner, without interfering with the order impugned, this writ petition is disposed of with a direction to the petitioner to make a fresh representation to the respondents within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondents are directed to



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consider the same and pass appropriate orders on merits and in accordance with law within a period of four weeks thereafter. No costs. Consequently connected Miscellaneous Petition is closed.

20.02.2023

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

RR

To

- 1.The Secretary to Government
Higher Education Department
Chennai.
- 2.The Director of College Education,
Chennai.
- 3.The Joint Director of Collegiate Education,
Tiruchirappalli Division,
Tiruchirappalli.



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M.DHANDAPANI, J.

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