



W.P.(MD).Nos.20128 to 20132 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).Nos.20128 to 20132 of 2018

and

W.M.P.(MD)Nos.17885 to 17889 of 2018

P.Meenakshi Sundaram

... Petitioner in
W.P.(MD)No. 20128 of 2018

R.Venkatraman

... Petitioner in
W.P.(MD)No. 20129 of 2018

K.Nesamani

... Petitioner in
W.P.(MD)No. 20130 of 2018

M.Chandrasekaran

... Petitioner in
W.P.(MD)No. 20131 of 2018

I.Xavier Jeyakumar

... Petitioner in
W.P.(MD)No. 20132 of 2018

Vs.

**The Registrar,
Alagappa University,
Karaikudi, Sivagangai District.**

... Respondent in all cases



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Prayer in all cases : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the respondent in his proceedings Rc.A6/Estt/Syn.Min./2018, dated 27.08.2018 (served to the petitioner on 31.08.2018) and to quash the same as illegal.

In all cases:

For Petitioner : Mr.H.Mohammed Imran

For Respondent : Mr.T.Cibi Chakraborty

COMMON ORDER

These writ petitions are filed challenging the impugned order, dated 27.08.2018.

2. The petitioners were initially appointed Library Assistant on 30.01.2016 in the respondent University. In consequence of the 7th Pay commission, the respondent vide his proceedings dated 02.02.2018 refixed the petitioners' scale of pay. In the meanwhile, in the syndicate meeting held on 26.02.2010, the scale of pay of one Mr.M.Palaniappan who was working as Library Assistant was revised on par with the employee working in the Manonmaniam Sundaranar University. Accordingly, it was also revised and the



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said Mr.M.Palaniappan had been receiving the same. It is only on par with the said Mr.M.Palaniappan, the petitioners' scale of pay was also revised by the respondent, vide his proceedings, dated 01.06.2018. The said proceedings, dated 01.06.2018 was issued in furtherance of the Syndicate Resolution No.25, dated 30.05.2018 and the same was approved by the Vice-Chancellor. Based on this, the petitioners were receiving the said scale of pay.

3. Suddenly, the respondent vide impugned proceedings, Rc.A6/Estt/ Syn.Min./2018, dated 27.08.2018, has withdrawn the earlier order, dated 01.06.2018. It was also ordered that the excess pay will be recovered. The contention of the petitioners is that the impugned order is violating of principles of natural justice, since the petitioners were not granted any notice before passing the order withdrawing the revised scale of pay.

4. The contention of the respondent is that the approval was granted based on the Syndicate Resolution but without taking any concurrence from the Finance Committee. When the issue was placed before the Finance



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Committee, the Finance Committee through Resolution 12, dated 03.08.2018, rejected the approval of the Vice Chancellor and thereby withdrew the pay revision granted to the petitioners. As per the respondent any monetary benefits payable to the employees is a financial commitment which ought to be paid after approval of the Finance Committee. Since there is clear irregularity, the same was withdrawn. Therefore, the impugned order is legally sustainable. Even if notice is granted to the petitioners, it will be an empty formality.

5. Heard Mr.H.Mohammed Imran, learned Counsel appearing for the petitioner in all cases and Mr.T.Cibi Chakraborty, learned Counsel appearing for the respondent in all cases and perused the records.

6. It is seen from the order granting revised scale of pay, dated 01.06.2018, that the grievance of the petitioners was presented before the Grievance Committee in the meeting held on 29.05.2018 and it was resolved to address the issue. The Grievance Committee has recommended the petitioners' case. Based on the recommendation, the Syndicate Resolution No.25 was



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passed. After receipt of these two resolutions, on the very next day, i.e., on 30.05.2018 the Vice Chancellor has granted the approval from the next day, i.e., on 01.06.2018 and the disbursed the same from the same month. In the order, dated 01.06.2018, there is no reference of Finance Committee at all, which clearly indicate that the respondents had never placed the papers before the Finance Committee. In the impugned order, dated 27.08.2018, there is a reference of the Finance Committee wherein the Finance Committee has issued Resolution No.2, dated 03.08.2018 and has declined the benefits granted to the petitioners. Admittedly, before passing this order, the respondent has not granted any opportunity to the petitioners. But when the revision itself is against the Rules and Regulations, even if notice is granted to the petitioners, it would be an empty formality. Therefore, this Court is not inclined to interfere with the impugned order and the same is sustainable.

7. However this order will not be bar from submitting a fresh representation to the respondent to consider their claim. But the said representation should be considered based on rules and regulations, especially



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after obtaining approval from the Finance Committee and the Government.

Until the approval is obtained, the monetary benefits shall not be disbursed to the employees. The said representation shall be considered without getting influenced by this order and the impugned order, if the petitioners are otherwise eligible.

8. If any orders are passed without obtaining approval from the Finance Committee and the Government, then the Government is directed to take action against the authorities behind the mischief and if need be, recovery shall be ordered against the erring authorities.

9. With the above said observation and directions, the writ petitions are disposed of. No costs.

27.06.2023

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

The Registrar,
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S.SRIMATHY, J.

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