



W.P.(MD)Nos.31307 of 2023 and etc., batch

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.12.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)Nos.31307, 31352, 31354, 31357, 31358 of 2023

and

W.M.P.(MD)Nos.26842, 26843, 26845, 26907, 26910, 26916 & 26917 of 2023

S.R.Maria Rajah	...Petitioner in W.P.(MD)No.31307/2023
S.Meenakshi Sundaram	...Petitioner in W.P.(MD)No.31352/2023
S.Muthiah	...Petitioner in W.P.(MD)No.31354/2023
J.Sasikrishnan	...Petitioner in W.P.(MD)No.31357/2023
C.Nagasundaram	...Petitioner in W.P.(MD)No.31358/2023

-Vs-

1.The Secretary to Government,
Higher Education Department,
State of Tamil Nadu,
Secretariat, Chennai.

2.The Secretary to Government,
Finance Department,
State of Tamil Nadu,
Secretariat, Chennai.

3.The Registrar,
Madurai Kamaraj University,
Madurai-625 021.

4.The Director,
Local Fund Audit,
Chennai.

... Respondents in WP(MD)No.31307/ 2023



W.P.(MD)Nos.31307 of 2023 and etc., batch

1.The State of Tamilnadu,
Represented by its Secretary to Government,
Higher Education (K1) Department,
Secretariat, Chennai - 600009.

2.The Vice Chancellor,
Vice - Chancellor's Office,
Madurai Kamaraj University,
Palkalai Nagar, Madurai,
Madurai District - 625 021.

3.The Registrar,
Madurai Kamaraj University,
Palkalai Nagar, Madurai,
Madurai District - 625 021.

4.The Director,
Department of Local Fund Audit,
No.571, Officers Building,
Veterinary Hospital Campus,
4th Floor, Nandanam,
Chennai – 600035

..Respondents in WP(MD) 31352, 31354,
31357 and 31358/ 2023

PRAYER in W.P.(MD)No.31307 of 2023:Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the order of refixation of Scale of Pay in Memo No.Esst.I/MKU/Refix/2023, dated 15.12.2023 passed by 3rd respondent and quash the same and further direct the 3rd respondent to restore the original scale of pay of the petitioner and release the salary.

COMMON PRAYER in W.P.(MD)No.31352, 31354, 3157 and 31358 of 2023:Writ Petition is filed under Article 226 of the Constitution of India praying



W.P.(MD)Nos.31307 of 2023 and etc., batch

for the issuance of a Writ of Certiorari to call for the records relating to the 3rd Respondent in Memo. No.Esst.I./MKU/Refix/2023, dated 15.12.2023 herein and quash the same as illegal.

In W.P.(MD)No.31307 of 2023:

For Petitioner : Mr.T.S.Mohamed Mohideen
For R1, R2 & R4 : Mr.T.Amjadkhan
Government Advocate
For R3 : Mr.T.Cibi Chakraborty
Standing Counsel

In W.P.(MD)No.31352 of 2023:

For Petitioner : Mr.S.Illamvaludhi
For R1 : Mr.P.Subbaraj
Special Government Pleader
For R2 & R3 : Mr.T.Cibi Chakraborty
Standing Counsel

In W.P.(MD)No.31354 of 2023:

For Petitioner : Mr.S.Illamvaludhi
For R1 : Mr.K.S.Selvaganesan
Additional Government Pleader
For R2 & R3 : Mr.T.Cibi Chakraborty
Standing Counsel

In W.P.(MD)No.31357 of 2023:

For Petitioner : Mr.S.Illamvaludhi
For R1 : Mr.T.Amjadkhan
Government Advocate
For R2 & R3 : Mr.T.Cibi Chakraborty
Standing Counsel



W.P.(MD)Nos.31307 of 2023 and etc., batch

In W.P.(MD)No.31358 of 2023:

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For Petitioner : Mr.S.Illamvaludhi
For R1 & R4 : Mr.T.Amjadkhan
Government Advocate
For R2 & R3 : Mr.T.Cibi Chakraborty
Standing Counsel

COMMON ORDER

It is brought to the notice of this Court that the impugned order dated 15.12.2023, refixing the scale of pay to the non-teaching staff of the University, came to be passed without putting the petitioners on notice. Such an exercise would amount to violation of principles of natural justice.

2.The learned counsel for the third respondent fairly conceded that the matter may be remanded back to the third respondent for considering the matter afresh.

3.In view of the same, the impugned order is hereby set aside and third respondent University is directed to put the petitioners on notice and provide opportunity of being heard and thereafter, pass appropriate orders in accordance with law. Further, the State Government is directed to fix the original pay scale of the petitioners.



W.P.(MD)Nos.31307 of 2023 and etc., batch

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4. These writ petitions are allowed with the above directions. No costs.

Consequently, connected miscellaneous petitions are closed.

28.12.2023

Index : Yes/No

Internet : Yes/No

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To

1. The Secretary to Government,
Higher Education Department,
State of Tamil Nadu,
Secretariat, Chennai.
2. The Secretary to Government,
Finance Department,
State of Tamil Nadu,
Secretariat, Chennai.
3. The Director,
Local Fund Audit,
Chennai.
4. The State of Tamilnadu,
Represented by its Secretary to Government,
Higher Education (K1) Department,
Secretariat, Chennai – 600009.
5. The Director,
Department of Local Fund Audit,
No.571, Officers Building,
Veterinary Hospital Campus,
4th Floor, Nandanam,



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W.P.(MD)Nos.31307 of 2023 and etc., batch



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W.P.(MD)Nos.31307 of 2023 and etc., batch

L.VICTORIA GOWRI, J.

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