



WEB COPY



W.P.No.25958 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.25958 of 2011 and
M.P.Nos.1 and 2 of 2011

Dr.S.Ananthi

... Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Higher Education Department,
Secretariat, Chennai 600 009.

2.University of Madras,
Rep. by its Registrar,
Chepauk, Chennai 600 005.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the file of the second respondent issued in and by his official communication No.D.I (C)/TE/2009/4213, dated 15.12.2009 to quash the same and to consequently direct the respondents herein to grant all consequential monetary benefits due and payable to the petitioner with effect from 12.05.2004 in the post of Lecturer (Senior Scale) and to grant her four additional increments on having acquired Ph.D. with effect from the date of such acquisition of the degree and to promote her as Assistant



W.P.No.25958 of 2011

Professor, Stage III with retrospective effect from the due date of such promotion of her immediate junior with all consequential benefits.

For Petitioner : Ms.T.Subhiksha for
Mr.M.Ravi

For Respondents : Mr.C.Jayaprakash,
Government Advocate for R1.

Mr.M.Arunkumar for R2.

ORDER

The writ petition has been filed challenging the communication of the second respondent dated 15.12.2009 and for a consequential direction to the respondents to grant all benefits due to the petitioner with effect from 12.05.2004 in the post of Lecturer (Senior Scale). The petitioner also prays for the grant of four additional increments on acquiring her Ph.D., degree and for her promotion to Assistant Professor Stage III.

2. The petitioner had preferred this writ petition on the grounds that pursuant to the impugned communication dated 15.12.2009, the second respondent University informed the petitioner that despite the decision of the syndicate dated 12.06.2009 which was addressed to the Principal Secretary of the Government of Higher Education Department,



W.P.No.25958 of 2011

the request to appoint the re-designated Lecturer as a regular Lecturer was denied. The first respondent by its letter dated 30.10.2009 rejected the request for the re-designation of Technical Officers as Lecturers. Consequently, the second respondent University, in accordance with the earlier decision of the syndicate at its meeting held on 20.11.2009 by considering the communication of the first respondent dated 30.10.2009, has resolved that the petitioner has to continue in the service as re-designated Lecturer and cannot be considered for any further elevation to higher posts. In light of the rejection of her claim, the petitioner was constrained to file the above writ petition.

3. When the writ petition was taken up for hearing, the learned Standing Counsel for the second respondent, relying on the counter affidavit, submitted that even though the Government did not accept the resolution addressed by the University earlier, it subsequently passed G.O.(1D) No. 254 of the Higher Education (H1) Department, dated 05.09.2012, approving the absorption of Technical Officers as Lecturers from the date of re-designation as a special case and one-time affair, subject to the conditions specified in the Government Order. The above said Government Order includes the name of the petitioner,



W.P.No.25958 of 2011

acknowledging her service to be absorbed as a Lecturer from the date of re-designation. It is relevant to extract the G.O.(1D) No. 254 Higher

Education (H1) Department dated 05.09.2012 hereunder:

"The Government after careful examination accepted the proposal of the Registrar, University of Madras for Re-designating the following 16 Technical Officers as Lecturers for absorption from the date of their re-designation as a special case and one time affair, with the following conditions:

- 1. Dr. P. Ebenezer, CAS in Botany.*
- 2. Dr. V. Kaviyarasan, CAS in Botany.*
- 3. Dr. S.G.D. Sridhar, Department of Applied Geology.*
- 4. Dr. N. Rajeshwara Rao, Department of Applied Geology.*
- 5. Dr. S. Subramanian, Department of Biochemistry.*
- 6. Dr. V. Narayanan, Department of Inorganic Chemistry.*
- 7. Dr. A. Stephen, Department of Nuclear Physics.*
- 8. Dr. S. Ananthi, Central Instrumentation Research and Service Laboratory.*
- 9. Dr. Chandra R. Samuel, Department of Genetics.*
- 10. Dr. S. Karthikeyan, Department of Pharmacology and Environmental Toxicology.*
- 11. Dr. K. Sivaji, Department of Nuclear Physics.*
- 12. Dr. C. Arulvasu, Department of Zoology.*
- 13. Dr. N. Thangaraju, CAS in Botany.*
- 14. Dr. G. Vijayakumar, Department of Pharmacology and Environmental Toxicology.*
- 15. Dr. K. Parimurugan, Department of Anthropology.*
- 16. Dr. C. Murugan, Department of Sanskrit.*



WEB COPY



W.P.No.25958 of 2011

i. The Technical Officers (16 Nos) still in service shall be considered for absorption against regular vacancies in sanctioned strength in relaxation of UGC's Regulations and other service rules as per Statutes of the University (The UGC has already suggested this course of action).

ii. If no vacancies are available, the creation of super numerary posts shall be considered, without seeking grants from the Government and such posts will lapse as and when the incumbents retire from service or vacate the posts.

iii. The monetary benefits already extended to the incumbents shall procedures".

4. Subsequent to the G.O.(1D) No. 254 Higher Education (H1) Department dated 05.09.2012, the matter was placed before the syndicate of the second respondent University during the meeting held on 12.09.2012, wherein it was resolved that the approval granted in the above Government Order had been adopted and that the services of the petitioner and others be absorbed as Lecturers from the date of their re-designation.

5. Further, in the counter affidavit, it is stated that the benefits as conferred by G.O.(1D) No. 254 Higher Education (H1) Department dated



W.P.No.25958 of 2011

05.09.2012 have been given effect to and the petitioner was absorbed as a Lecturer with effect from 12.07.2004 with the pay scale fixed in the cadre of Lecturer. In addition, four incentive increments for possessing Ph.D., degree were sanctioned from the date of absorption as a regular Lecturer. In light of these developments, the petitioner was subsequently promoted to the post of Assistant Professor with effect from 12.07.2012 and further promoted to the post of Professor with effect from 11.04.2018. The petitioner retired from service on reaching the age of superannuation on 30.04.2018 and has availed pension along with all other retiral and monetary benefits.

6. The learned counsel for the respondents submitted that since the entire claim of the petitioner has already been extended to her, no further order is required in the writ petition. In this regard, the averments made in paragraphs 12,13 and 15 are extracted hereunder:

“G.O.No.254 dated 12.09.2012: It is further submitted that subsequently the Syndicate at its meeting held on 12.09.2012, considered the G.O. (1D) No.254, Higher Education (HI) Dept. dated 05.09.2012 and "Resolved that the G.O. (1D) No. 254, Higher Education (HI) Dept., dated 05.09.2012, issued by the Government of Tamil Nadu, approving the absorption of Technical Officers as Lectures from the date of redesignation as



W.P.No.25958 of 2011

a special case and one time affair subject to the conditions specified in the G.O. be adopted and orders be issued forthwith".

13. It is also submitted that the Government of Tamil Nadu in the above said G.O. has ordered as follows:

"The Government after careful examination accepted the proposal of the Registrar, University of Madras for Re-designating the following 16 Technical Officers as Lecturers for absorption from the date of their re-designation as a special case and one time affair, with the following conditions:

- 1. Dr. P. Ebenezer, CAS in Botany.*
- 2. Dr. V. Kaviyarasan, CAS in Botany.*
- 3. Dr. S.G.D. Sridhar, Department of Applied Geology.*
- 4. Dr. N. Rajeshwara Rao, Department of Applied Geology.*
- 5. Dr. S. Subramanian, Department of Biochemistry.*
- 6. Dr. V. Narayanan, Department of Inorganic Chemistry.*
- 7. Dr. A. Stephen, Department of Nuclear Physics.*
- 8. Dr. S. Ananthi, Central Instrumentation Research and Service Laboratory.*
- 9. Dr. Chandra R. Samuel, Department of Genetics.*
- 10. Dr. S. Karthikeyan, Department of Pharmacology and Environmental Toxicology.*
- 11. Dr. K. Sivaji, Department of Nuclear Physics.*
- 12. Dr. C. Arulvasu, Department of Zoology.*
- 13. Dr. N. Thangaraju, CAS in Botany.*
- 14. Dr. G. Vijayakumar, Department of Pharmacology and Environmental Toxicology.*
- 15. Dr. K. Parimurugan, Department of Anthropology.*
- 16. Dr. C. Murugan, Department of Sanskrit.*



WEB COPY



W.P.No.25958 of 2011

i. *The Technical Officers (16 Nos) still in service shall be considered for absorption against regular vacancies in sanctioned strength in relaxation of UGC's Regulations and other service rules as per Statutes of the University (The UGC has already suggested this course of action).*

ii. *If no vacancies are available, the creation of super numerary posts shall be considered, without seeking grants from the Government and such posts will lapse as and when the incumbents retire from service or vacate the posts.*

iii. *The monetary benefits already extended to the incumbents shall procedures".*

14. *It is submitted that the judgment in W.P.No.19834 of 2002, relied in the Ground 'k' of the Affidavit of the petitioner, is irrelevant and not at all applicable to the case of the petitioner, since the facts and issue involved in both the cases are not identical but difference and that there is no ratio decidendi arrived at by the Hon'ble Court, but only direction given to consider grievance of the petitioner and pass orders.*

15. *Subsequent Development and Orders Passed in favour of the Petitioner:- It is most respectfully submitted that the above Writ Petition filed in the year 2011, challenging the order dated 15.12.2009, of the 2nd Respondent. At this juncture, it is relevant to submit the subsequent development and various orders issued in favour of the petitioner which are as follows:-*

(1) Consequent to the order issued in G.O.(1D).No:254,



W.P.No.25958 of 2011

Higher Education (H1) Department, dated 05.09.2012, the syndicate in its meeting held on 12.09.2012, approving the absorption of the Technical Officer as Lecturer, the pay was fixed to the petitioner at Rs. 11,625/- + 225/- P.P. in the cadre of Lecturer (Senior Scale) in the scale of pay of Rs. 10,000-325-15200 w.e.f. 12.07.2004 and increment granted vide Official Communication 09.04.2013. No:D.1(C)/TE/2013/170

(2) The Petitioner was sanctioned with 4 Incentive Increments from the date of absorption as regular Lecturer for possessing Ph.D. Degree, vide Official Communication No: D.1(C)/TE/2013/1155, dated 24.12.2013, and the same was communicated to the petitioner on 24.12.2013.

(3) Further, the promotion under CAS Stage (3 & 4) was processed and the petitioner was promoted as Associate Professor w.e.f. 12.07.2012 and ultimately she was promoted to the post of Professor w.e.f. 11.04.2018 and she was retired from service on reaching the age of superannuation on 30.04.2018 and availed pension and all other retiral and monetary benefits.”

7. From the submissions made by the learned Standing counsel for the second respondent as well as from the averments made in the counter affidavit, it is clear that the petitioner had already been absorbed as a Lecturer with effect from 12.07.2004, in light of the above G.O.(1D) No.

254 Higher Education (H1) Department dated 05.09.2012, issued by the



W.P.No.25958 of 2011

first respondent. Further, the petitioner was awarded with four incentive increments and subsequently promoted to the post of Assistant Professor with effect from 11.04.2018. The petitioner retired from service on reaching superannuation on 30.04.2018 and has availed pension along with all other retiral and monetary benefits.

8. Recording the submissions made by the learned counsel for the second respondent and the averments made in the counter affidavit, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

25.10.2024

Speaking (or) Non Speaking Order
Index : Yes/ No
shk



W.P.No.25958 of 2011

To
WEB COPY

- 1.The Secretary to Government,
Higher Education Department,
Secretariat, Chennai 600 009.

- 2.University of Madras,
Rep. by its Registrar,
Chepauk, Chennai 600 005.



WEB COPY



W.P.No.25958 of 2011

G.ARUL MURUGAN, J.

shk

W.P.No.25958 of 2011 and
M.P.Nos.1 and 2 of 2011

25.10.2024