



WEB COPY

W.P.No.30477



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.30477 of 2015

and

M.P.Nos.1 & 2 of 2015

R.Manavalan

... Petitioner

Vs.

- 1.The State of Tamil Nadu
Rep. by Secretary to Government
Higher Education (C2) Department
Fort St. George, Secretariat
Chennai 600 009.
- 2.The Director of Technical Education
Directorate of Technical Education
Guindy
Chennai 600 025.
- 3.The Commissioner of Technical Education
Guindy, Chennai 600 025.
- 4.The Principal
PSG College of Technology
Coimbatore 641 004.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records relating to the proceedings of the 4th respondent herein dated 7.9.2015 under Ref.No.N/1091/93 and quash the same.



For Petitioner	: Ms.AL.Gandhimathi, Senior Counsel for Ms.M.Meena Rukmani
For R1 to R3	: Mr.C.Jaya Prakash Government Advocate
For R4	: Mr.A.Jeenasenan

ORDER

The petitioner herein, was appointed as Associate Professor in the Department of Mechanical Engineer in the 4th respondent College, has completed his Ph.D on 23.09.2006. In view of the same, the petitioner was awarded two advance increments on 24.09.2006 and thereafter, the advance increment that was awarded in favour of the petitioner for acquiring Ph.D degree were withdrawn by the 4th respondent through impugned proceedings dated 07.09.2015 based on the instructions said to have been issued by the CTE/DTE through Letter No.36496/A4/2011 dated 13.08.2014 and Letter No.36496/A4/2011 dated 28.08.2015.

2. A perusal of the impugned proceedings indicates that the benefit of advance increment that were awarded in favour of the petitioner was withdrawn by the 4th respondent, without affording any opportunity to the petitioner, in gross violation of the principles of natural justice. This Court, while entertaining the writ petition, having taken note of the violation of the



principles of natural justice, granted interim stay and by virtue of the interim stay granted by this Court by an order dated 28.09.2015, the petitioner has been drawing advance increment and the impugned order has not been given effect to as on date.

3. Though the respondents 2 and 3 filed their counter affidavit, no counter affidavit is filed on behalf of the 4th respondent. As the 4th respondent is only stated to have been acting at the instance of respondents 3 and 4, the 4th respondent, under any circumstances ought to have afforded an opportunity to the petitioner before passing the impugned order, to explain as to why the said increment should not be withdrawn. But the same is lacking in the instant case.

4. In the circumstances, impugned order dated 07.09.2015 is liable to be set aside solely on the ground of violation of principles of natural justice. Accordingly, impugned order dated 07.09.2015 is set aside.

5. Accordingly, the writ petition is allowed. However, it is open for the respondents to take appropriate action if they so desire in accordance with law. In case, if the petitioner is aggrieved over all the instructions issued by the



respondents 2 and 3 or the orders to be passed by the 4th respondent, the petitioner is at liberty to take appropriate steps in accordance with law. It is made clear that this Court has not made any adjudication of the case on its merits. Consequently, the connected miscellaneous petitions, if any, shall stand closed. No costs.

21.10.2024

dpa

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

- 1.The Secretary to Government,
State of Tamil Nadu
Higher Education (C2) Department
Fort St. George, Secretariat
Chennai 600 009.
- 2.The Director of Technical Education
Directorate of Technical Education
Guindy
Chennai 600 025.
- 3.The Commissioner of Technical Education
Guindy
Chennai 600 025.
- 4.The Principal
PSG College of Technology
Coimbatore 641 004.



WEB COPY

W.P.No.30477



MUMMINENI SUDHEER KUMAR, J.

dpa

W.P.No.30477 of 2015
and
M.P.Nos.1 & 2 of 2015

21.10.2024