



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.31618 of 2013
and M.P.No.1 of 2013

1.Dr.G.Md.Yassin
2.Dr.Omar Hattab
3.Dr.J.Rammohan
4.Dr.R.Govindarasu
5.Dr.K.Madhiabhagan
6.Dr.S.Muthukumarasamy
7.P.Pandian

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Petitioners

versus

Pandit Jawaharlal Nehru College of
Agriculture & Research Instituted
(PAJANCOA),
Represented by its Dean,
Nedungadu, Karikal,
Union Territory of Puducherry.

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Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records of the respondent with No.4358(1)/PJN/E1/Confer/2000 dated 20.08.2013 in respect of petitioners and the Order No.PJN/Estt./E1/Recovery/2013-14 dated 22.10.2013 and to quash the same with cost.



For Petitioners : Mr.G.Shanmugam
for Mr.V.Ajayakumar

WEB COPY For Respondent : Mr.T.Arunan

ORDER

This writ petition is filed challenging the orders of the respondent dated 20.08.2013 and the consequential order of recovery dated 22.10.2013.

2. Heard the learned counsel for the petitioners and the learned counsel for the respondent and perused the materials available on record.

3. It is the case of the petitioners that they have been working as Professors in the respondent College. Initially, they have been appointed as Assistant Professors on various dates in the pay scale of Rs.8,000-13,500. As per the recommendations of the 5th Pay Commission, it has been declared by the Indian Council of Agricultural Research (ICAR) that Lecturers / Assistant Professors shall be given senior scale of pay and the Assistant Professors will move to the post of Assistant Professors (Senior Scale) after completion of 6 years of service with Ph.D./M.Phil., and thereafter, move to the post of Assistant Professors (Selection Scale).



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4. It is his further case that the ICAR had issued orders on 03.03.1999 which provided for Career Advancement Scheme for the post of Assistant Professors and the same has to be implemented with effect from 01.01.1996. As per the directions of ICAR, the respondent had issued an order dated 10.08.2000 wherein the petitioners 1 to 4 were given the benefit under the Career Advancement Scheme with effect from 01.01.1996 and the petitioners 5 to 7 were given the benefit from the date on which they completed 6 years of service.

5. When the petitioners have been awarded with these benefits, all of a sudden, by the impugned order dated 20.08.2013, the effect of benefits given to the petitioners had been revised to other dates, without issuing any notice or affording an opportunity. Consequently, by order dated 22.10.2013, the excess benefits paid in view of the refixation were sought to be recovered. Assailing the same, the petitioners have preferred the above writ petition.

6. The learned counsel for the petitioner by relying on the orders passed in W.P.No.23112 of 2012 dated 21.10.2024 submitted that in



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respect of the similar issue where also the benefits have been extended to the petitioners therein, the respondent College sought to recover the amounts based on the revision of benefits fixed disadvantages to the petitioner, without issuing any notice or affording an opportunity and since the issue in the present writ petition is also on similar lines, the same orders may be passed in the present writ petition.

7. The learned counsel for the respondent fairly accedes to the position that prior to the issuance of the impugned order of refixing the benefits given to the petitioners and the recovery was sought to be made, no notice was issued to the petitioners by affording an opportunity and the present writ petition also may be disposed of on similar lines whereby the respondents could be given liberty to pass orders after affording proper opportunity to the petitioners.

8. From the perusal of the impugned order, it could be seen that the respondent had originally extended the benefits and subsequently, by the impugned order dated 20.08.2013, the benefits extended to them have been



revised and also the consequential order of recovery came to be passed without issuing any notice or affording any opportunity to the petitioners.

9. In view of the above, this Writ Petition stands ***allowed*** and the impugned orders dated 20.08.2013 and 22.10.2013 passed by the respondent are set aside. However, the respondent is at liberty to issue proper notice to the petitioners and after affording an opportunity to the petitioners, pass orders, on merits and in accordance with law. Consequently, connected Miscellaneous Petition is closed.

10. There shall be no order as to costs.

03.12.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To
The Dean,
Nedungadu, Karikal,
Pandit Jawaharlal Nehru College of
Agriculture & Research Instituted
(PAJANCOA),
Union Territory of Puducherry.

5/6



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W.P.No.31618 of



G.ARUL MURUGAN, J.

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