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W.P.No.7964 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.7964 of 2024
and W.M.P.No.8930 of 2024

K.Venkataramani

... Petitioner

-VS-

1.The State of Tamil Nadu,
Represented By its Principal Secretary to Government,
Higher Education Department,
Fort St. George, Chennai – 600 009.

2.The Director of Technical Education,
Directorate of Technical Education,
No.53, Sardar Patel Road,
Guindy, Chennai – 600 025.

3.The Principal,
Murugappa Polytechnic College,
Sathiyamoorthy Nagar (SM Nagar),
Chennai – 600 062.

4.The Branch Officer,
Office of the Accountant General (A & E) Tamil Nadu,
No.361, Anna Salai,
Chennai – 600 018.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 4th respondent in proceedings having Ref.No.AG (A & E) PEN



W.P.No.7964 of 2024

P09/10927919/4/R2412291/633, dated 22.02.2024 and quash the same as illegal in so far as the monthly basic pension of the petitioner has been reduced by the 4th respondent from Rs.30,300 to Rs.22065 by the proceedings dated 22.02.2024 and consequently direct the 4th respondent to continue to pay the basic pension of Rs.30300/- per month to the petitioner.

For Petitioner : Mrs.C.Uma

For Respondents : Mrs.S.Anitha
Special Government Pleader

ORDER

This writ petition has been filed calling for the records of the 4th respondent in proceedings having Ref.No.AG (A & E) PEN P09/10927919/4/R2412291/633, dated 22.02.2024 and quash the same as illegal in so far as the monthly basic pension of the petitioner has been reduced by the 4th respondent from Rs.30,300 to Rs.22,065 by the proceedings dated 22.02.2024 and consequently direct the 4th respondent to continue to pay the basic pension of Rs.30300/- per month to the petitioner.

2. Heard the learned counsel on either side and perused the materials available on record.



W.P.No.7964 of 2024

3. The same issue has been already dealt with by this Court in

W.P.Nos.7135 of 2020 and batch and disposed of the writ petitions by an order dated 06.03.2024 with certain directions as follows:-

“ 42. So on the background of the above discussions, the following conclusions are arrived:-

- i. G.O.(Ms).No.111, dated 25.05.2010 is applicable in respect of CAS, only for those persons who had attained the eligibility criteria on and from 25.05.2010 and not any time before and no retrospective effect be given to the above said Government Order.*
- ii. Even though the AICTE Regulations, 2012 states about an earlier date i.e. 05.03.2010, its applicability can be taken into effect only from the date of the Government Order and not from 05.03.2010.*
- iii. Even if the Training and Publication norms as prescribed under G.O.(Ms).No.111, dated 25.05.2010 are not complied for those who attained the eligibility on and from 25.05.2010, they will also be eligible to get CAS, if they are otherwise qualified as per G.O.(Ms).No.111, dated 25.05.2010. This has been clarified in the subsequent G.O.(Ms).No.58, dated 21.03.2018.*
- iv. For those persons, who have attained eligibility criteria before 25.05.2010 for getting CAS will only be governed under Regulations, 2010 r/w G.O.(Ms.)No.1081, dated 19.08.1989 and not G.O.(Ms).No.111, dated 25.05.2010.*

43. The comparative statements in respect of each petitioner had been produced and the efforts taken in this regard by Mr.V.Arun, learned Additional Advocate General for the respondents 1 and 2 is appreciated. But the implementation of the CAS as per the above conclusions and issuing fresh orders by revisiting the orders under challenge after giving notice to the petitioners will be in the hands of the respondents. Hence the impugned orders are set aside and the



W.P.No.7964 of 2024

respondents are directed to give notice to the petitioners within a period of two (2) weeks from the date of receipt of the order, in order to enable them to submit their individual representations within a period of four (4) weeks and to consider the same with or without forming a selection committee and issue fresh orders in terms of the above conclusions within a period of twelve (12) weeks from the date of receiving the individual representations. Had there been any recovery of amount already made in pursuant to the impugned orders, the same shall be refunded within a period of two (2) weeks.

44. Since the Selection Committee is not contemplated in the earlier Government Orders or Regulations for sanctioning the CAS for those persons who do not fall under the operation of G.O.(Ms).No.111, dated 25.05.2010, the heads of the respective institutions themselves can sanction and pass orders.”

4. In view the above directions, this writ petition is disposed of.

Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

26.03.2024

Internet: Yes

Index : Yes/No

Neutral Citation: Yes/No

Speaking/Non Speaking order

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W.P.No.7964 of 2024

To

- 1.The Principal Secretary to Government,
The State of Tamil Nadu,
Higher Education Department,
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Directorate of Technical Education,
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G.K.ILANTHIRAIYAN. J.

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