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Writ Petition No.4498 of 2016

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 08.12.2024**

**CORAM**

**THE HONOURABLE DR.JUSTICE D.NAGARJUN**

**Writ Petition No.4498 of 2016**

Dr.P.V.Bose

..Petitioner

. .VS..

1.The Secretary to Government (Art & Culture),  
Government of Puducherry,  
Puducherry.

2. The Member Secretary,  
Bharathiar Palkalaikoodam,  
Cuddalore Main Road, Ariyankuppam,  
Puducherry.

3. The Registrar,  
Pondicherry University,  
R.V.Nagar, Kalapet,  
Puducherry-605 014.

... Respondents

**PRAYER** : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to forthwith grant increment to the petitioner.



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For Petitioner : Mr.P.Saravana Sowmiyan

For Respondents : Mr.P.Saravana Sowmiyan  
Mr.R.Syed Mustafa (R1)  
Special Government Pleader  
Mr.T.M.Naveen (R2)  
Mr.A.V.Bharathi (R3)

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### **ORDER**

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the Respondents to forthwith grant increment to the Petitioner.

2. Learned counsel for the Petitioner submits that he was appointed as Guest Lecturer on 08.01.1997 in the 2nd Respondent Institution and later his services were regularized on 12.11.1997 by granting UGC scale of pay retrospectively from 08.01.1997 and thereafter he started working as Assistant Professor (Music).

3. He has been working as Assistant Professor for the past 19 years without any promotion. The 2nd Respondent by proceedings dated



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09.04.2012 fixed the seniority for the lecturers in the 2nd Respondent Institution. Though the Petitioner is the senior most person, his name was placed next to his junior Dr.L.Annapoorna. In this regard, the Petitioner made a representation on 13.07.2012 to the 1st Respondent, seeking re-fixation of seniority. Since no action was initiated, he made further representations to the 1st Respondent on 14.07.2013 and 10.09.2013 and that apart Dr.L.Annapoorna who was placed 1st in the Seniority List, by accepting the claim of the Petitioner, also made a representation on 18.09.2013, requesting the 1st Respondent to re-fix the seniority by placing the name of the Petitioner at Sl.No.1 in the Seniority List. Despite the same, the 1st Respondent failed to consider the request of the Petitioner and hence the Petitioner was constrained to file Writ Petition before this Court in W.P.No.34372 of 2014, seeking for a direction to the Respondents to dispose of the representation of the Petitioner and this Court by an order dated 23.12.2014 directed the 1st Respondent to dispose of the representation of the Petitioner dated 14.07.2013, pursuant to the said direction, the 1st Respondent by proceedings dated 12.02.2015 rejected the representation of the Petitioner. Challenging the said order, the Petitioner filed W.P.No.6486 of 2015 before this Court and the same is pending.



4. It is further submitted that the benefits entitled to the Petitioner were denied and even the yearly increments have been withheld without any valid reason. One increment out of the 5 were granted to all the faculty members except the Petitioner in October 2015. The Respondents without any valid reason have not given the increments to the Petitioner which is in violation of Article 14 of Constitution of India and the same amounts to punishment. The Petitioner has given another representation on 05.11.2015 to the 1st Respondent seeking to release all the increments, but no steps were taken. The Respondents have initiated the petitioner to withdraw W.P.No.6486 of 2015. It is further submitted that the increments for the year 2015 was granted to all the lecturers, except to the petitioner. Therefore sought for suitable direction.

5. Learned counsel for the Respondents has filed a compliance affidavit dated 14.07.2022, wherein it is mentioned that the increment for the year 2015 which was denied to the petitioner alone will be sanctioned and the impugned order dated 13.01.2016 in F.27/BPK/IC-WP/UT/2016/407, issued by the 2nd Respondent, directing the Petitioner for declaration with respect to withdrawal of W.P.No.6486 of 2015 was



rescinded by the 2nd Respondent.

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6. Heard both sides. Perused the records.

7. The grievance of the Petitioner is that the petitioner was not given increment in the year 2015 which was given to other lecturers and by denying the said increments, impugned orders have been passed. As seen from the records, subsequent to the filing of the Writ Petition, steps are being taken to release the increment as sought for by the petitioner in the year 2015 and impugned order is withdrawn. The representation submitted by the Petitioner to the Respondent on 05.11.2015 is required to be considered. However, as seen from the records, the said representation is given in respect of four increments which is the subject matter of W.P.No.6486 of 2015 which is still pending. Since the very purpose of the said Writ Petition has already been fulfilled as impugned order dated 13.01.2016 in F.27/BPK/IC-WP/UT/2016/407, issued by the 2nd Respondent, directing the Petitioner for declaration with respect to withdrawal of W.P.No.6486 of 2015 was already rescinded by the 2nd



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Respondent, nothing survives for adjudication in this Writ Petition. Hence,  
this Writ Petition is dismissed. No costs.

**08.02.2024**

Index : Yes/No  
Speaking order: Yes/No  
arr



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To  
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**Dr.D. NAGARJUN, J**

arr

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