



WEB COPY



W.P.No. 33003 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.08.2024

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.33003 of 2014
and M.P.Nos.1 and 2 of 2014

K. Radjacanabady

... Petitioner

V.s

1. The Member Secretary,
PIPMATE, PIPMATE Building,
Lawspet, Puducherry – 605 008

2. The Principal,
Karaikal Polytechnic College
Varichikudy, Karaikal – 609 609

3. The Secretary to Government (Education),
-cum- Chairman, PIPMATE,
Secretariate,
Puducherry – 605 001

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorarified Mandamus by calling for the records relating to I.D. Note No. E/3/1/PIPMATE/2013/A3/516 dated 23.06.2014 passed by the 1st Respondent and consequential order No.



W.P.No. 33003 of 2014

679/KPTC/KKL/ESTT/2014-15 dated 01.09.2014 passed by the 2nd Respondent and quash the same and direct the first respondent to refund the partly deducted monetary benefits to the petitioner.

For Petitioner : M/S Rajeni Ramadass
For Respondent 1&2 : M/S T.M. Naveen
For Respondent 3 : No Appearance

ORDER

The petitioner seeks to quash the order passed by the first respondent dated 23.06.2014 and the consequential order passed by the 2nd respondent dated 01.09.2014 and direct the first respondent to refund the partly deducted monetary benefits to him.

2. The facts which has led to the filing of the above writ petition are briefly set out herein below.

(i) The petitioner was appointed as lecturer in Civil Engineering Department of the second respondent College on 27.06.1990. He was



promoted as Senior Lecturer by order of the third respondent dated 14.11.2007, after two time bound promotion. On 01.07.2011, the third respondent had passed an order promoting the petitioner as the Head of the Department of the Civil Engineering in the said College. The petitioner has since then been rendering service as the head of the department of the Civil Engineering for over 3 years.

(ii) It is the case of the petitioner that while he was working as a Lecturer in the second respondent College, the first respondent by order dated 02.09.1994 had granted him approval for undergoing higher studies in M.E(Civil) in Anna University on a deputation basis under Staff Development Programmer of the Project of strengthening Technician education. This order was on the basis of the second technician education project, which was being funded by the World Bank.

(iii) The petitioner would further submit that he had been



deputed along with other lecturers to pursue higher studies in Anna University. It is not a case of the petitioner voluntarily applying for higher studies, but he had been selected and deputed by the first respondent. By order dated 02.09.1994 of the first respondent, the petitioner was entitled to reimbursement of course fees and one time TA/DA for undergoing this higher studies. Further, his absence from the College had been treated as on duty. The petitioner would submit that he was relieved from duty with effect from 03.09.1994 for undergoing higher studies in Anna University by order of the second respondent dated 03.09.1994. He was able to get admission only in the course of M.Tech (Remote Sensing) offered by civil engineering in the said University. The above course was for a period of 1 ½ years, and after the expiry of 15 months, when the petitioner was nearing completion of the higher studies in November 1995, he was asked to submit a study leave application, undertaking, Bond in Form-9 and Study Certificate from the University by the second respondent, vide order dated 13.12.1995. Though the petitioner was clueless about the



reasons for this request, he had proceeded to forward all the documents sought for. After the successful completion of higher studies in February 1996, the petitioner was continuing to work in the second respondent College till date after he had been promoted as the Head of the Department of Civil Engineering. The expenditure incurred on the petitioner's deputation was borne by the World Bank fund for Tech Ed-II Project.

(iv) While so, on 01.09.2014, the petitioner had received an order from the second respondent stating that the Audit Department, in its report, had flagged that the study leave granted to the petitioner was not in order and therefore, the leave availed had to be regularized and if any excess amount of pay and allowance paid had to be recovered. The order further stipulated that a sum of Rs.1,08,768/- had to be repaid in 21 instalments at the rate of Rs.5,000/- per month and the balance sum of Rs.3,768/- was to paid in 22nd instalment. This order was pursuant to the order of the first respondent dated 5/10



23.06.2014, where under the first respondent had directed the second respondent to take necessary action to regularize the petitioner's leave which in turn was a sequel to the inspection report of the AG audit. Despite representations, the respondents have not redressed the grievance of the petitioner and hence, the writ petition.

3. The counter statement had not been filed. However, it is clearly seen that the impugned order is only on account of the report of the audit team. The petitioner has undergone the course as early as in the year 1995 and thereafter, the petitioner has been promoted as a senior lecturer and as the head of the department. Nearly 18 years after the completion of the course, the audit team has woken up to the fact that the leave of the petitioner has not been regularised. The order dated 02.09.1994 of the first respondent would indicate that it is the first respondent who had deputed certain faculty members, including the petitioner, under the PIPMATE for undergoing higher studies. It is clearly stated that the cost of the training such as



admission fee and course fee etc would be paid to the selected faculty members and they would also be entitled to a one time TA/DA for attending the course. In response to the above order, the petitioner had also undergone the higher studies. The petitioner had completed his course in the year 1996 itself. No reason whatsoever has been set out as to why the department had not taken any steps if required for over 21 years after completion of the course.

4. A communication has also been forwarded by the counsel who had appeared for the respondent that the recovery has been initiated only based on the AG Audit because the AG audit had objected that the leave granted to the petitioner was inadmissible as it was even before the completion of the stipulated 5 years of service. Therefore, the AG Audit had further suggested that the study leave granted may be regularised as leave of any kind and excess pay and allowance paid be made good. The decision to recover is highly belated without assigning any reason for such inordinate delay ie. it is



W.P.No. 33003 of 2014

nearly 18 years after the petitioner had completed the course and had obtained promotions. The Writ Petition is therefore allowed as prayed for and any recovery made should be refunded to the petitioner. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

01.08.2024

Index: Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No
srn

To,

1. The Member Secretary,
PIPMATE, PIPMATE Building,
Lawspet, Puducherry – 605 008
2. The Principal,
Karaikal Polytechnic College
Varichikudy, Karaikal – 609 609
3. The Secretary to Government (Education),
-cum- Chairman, PIPMATE,
Secretariat,

8/10



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P.T.ASHA, J.,

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