



W.P.No.22634 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.22634 of 2021

N.M.Godwin dhas

... Petitioner

Vs.

1.All India Council for Technical Education,
Rep by its Chairman,
Nelson Mandela Marg,
Vasant Kunj, New Delhi 110 070.

2.The Registrar,
Centre for Affiliation of Institutions,
Anna University, Chennai 600 025.

3.The Director of Technical Education,
Directorate of Technical Education,
Guindy, Chennai 600 025.

4.The Regional Director,
Southern Regional Office,
All India Council for Technical Education,
'Shastri Bhavan', No.26, Haddows Road,
Nungambakkam, Chennai 600 006.

5.The Loyola Educational Trust,
Rep by its Chairman,
No.1/32, Rose Gardens, Agasthilingam Pillai Street,
P.N.Nagar, Nagercoil.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 4 in initiating further action against the 5th respondent / Institution to order for the payment of arrears of salary from 01.05.2013 to 30.11.2013 at the rate of Rs.16,000/- per month, the last drawn salary as entered into the Service Certificate issued by the 5th respondent together with Rs.10,00,000/- towards compensation taking into account the retaining of the petitioner's Original Certificates for more than 6 months and also retaining of the petitioner's arrears of salary from May 2013 for more than 8 years as on the date of this writ petition and also the defiant attitude in non-complying the proceedings of the third respondent made in Ref: NIL dated 21.12.2020 apart from initiating action for the cancellation of approval of courses and affiliation by the respondents 1 to 4 in case of non-compliance.

For Petitioner : Ms.S.Swetha for Mr.A.Amal Raj

For Respondents : Mr.B.Rabu Manohar for R1
Mr.R.Neethi Perumal, GA for R2 to R4
Mr.N.Damodaran for R5

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to direct the respondents 1 to 4 to initiate further action against the 5th respondent / Institution to order for the payment of arrears



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of salary from 01.05.2013 to 30.11.2013 at the rate of Rs.16,000/- per month, the last drawn salary as entered into the Service Certificate issued by the 5th respondent together with Rs.10,00,000/- towards compensation taking into account the retaining of the petitioner's Original Certificates for more than 6 months and also retaining of the petitioner's arrears of salary from May 2013 for more than 8 years as on the date of this writ petition and also the defiant attitude in non-complying the proceedings of the third respondent made in Ref: NIL dated 21.12.2020 apart from initiating action for the cancellation of approval of courses and affiliation by the respondents 1 to 4 in case of non-compliance.

2. Heard Ms.S.Swetha, learned counsel for the petitioner, Mr.B.Rabu Manohar, learned counsel for R1, Mr.R.Neethi Perumal, learned Government Advocate for R2 to R4 and Mr.N.Damodaran, learned counsel for R5.

3. The petitioner who was working as Assistant Professor has filed a Writ Petition in W.P.No.31720 of 2013 seeking a direction against the



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respondents to release the original certificates and also for directing the fourth respondent to pay compensation of Rs.5,00,000/- together with salary from May 2013 to up to date of returning all the original certificates or approval of the petitioner's resignation application, whichever is earlier by bringing to an end to the stalemate caused to the statutory order passed by the competent appellate authority as aforesaid. In the said Writ Petition, an order has been passed on 04.08.2020. Consequent to the said order, an enquiry has been conducted and the minutes of the enquiry has been furnished to the petitioner.

4. The learned counsel for the petitioner submitted that the petitioner is entitled to get salary from the month of May 2013 to December 2013. It is submitted that only on 22.12.2013, he was handed over with the original certificates and hence, the petitioner is entitled to the salary between May 2013 to December 2013. Even in the minutes of enquiry dated 21.12.2020, it has been stated that the petitioner has received the original certificates on 27.12.2013.



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5. As per the petitioner's service certificate issued by the fourth respondent dated 27.02.2013 at that point of time the petitioner was drawn the basic pay of Rs.15,600 – 39,100/- in the Assistant Professor cadre. In such case, the salary payable to the petitioner cannot be below Rs.15600/-. However, it is seen from the minutes of enquiry dated 21.12.2020, the salary has been shown as Rs.14,000/-. Since the petitioner was aggrieved over the said order, he has given a representation to the third respondent on 06.01.2021. But, so far it has not been considered.

6. Since the petitioner has made out a reasonable case in view of the service certificate issued by the fifth respondent himself in which the salary drawn by the petitioner is shown as Rs.15,600/-, it is appropriate on the part of the third respondent to consider the grievance of the petitioner and pass appropriate orders.

7. With the above observations, this Writ Petition is disposed and



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the third respondent is directed to consider the representation of the petitioner and pass appropriate orders directing the fifth respondent to disburse the arrears of salary to the petitioner within a period of six weeks from the date of receipt of a copy of this order. No costs.

22.01.2024

Index : Yes

Internet : Yes/No

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To

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R.N.MANJULA, J.

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