



W.P.(MD) Nos.1923 and 1925 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) Nos.1923 and 1925 of 2020

G.Rajaram

... Petitioner
in W.P.(MD) No.1923/2020

M.Gopalraj

... Petitioner
in W.P.(MD) No.1925/2020

Vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowment Board,
Chennai-34.

2.The Joint Commissioner/
Executive Officer,
Arulmighu Dhandayuthapani Samy Thirukovil,
Palani-624 601.

3.The Correspondent,
Arulmigu Palaniandavar Polytechnic College,
Palani-624 601.

4.The Principal,
Arulmigu Palaniandavar Polytechnic College,
Palani, Dindigul District.

... Respondents in all W.Ps



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Prayer: Petitions filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 3rd respondent herein in his proceedings in Na.Ka.No.68/A4/2019 dated 14.10.2019 and quash the same as illegal and against the resolution passed by the college governing council in the proceedings in Na.Ka.No.318/A4/2012/SF/Salary dated 10.12.2012 and directing the respondents 1 to 3 to fix and pay the salary as per the resolution passed by the college governing council in the proceedings in Na.Ka.No. 318/A4/2012/SF/Salary, dated 10.12.2012.

In both cases:

For Petitioner	:	Mr.S.Sarvagan Prabhu
For RR1 & 2	:	Mr.D.Sasikumar Additional Government Pleader
For R4	:	Mr.K.Govindarajan
For R3	:	No appearance



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COMMON ORDER

The petitioners in these writ petitions were appointed as Lab Assistants in the respondent-College on 14.09.2012 and 17.09.2012 respectively and they have been working as such till date.

2. The grievance of the petitioners in these writ petitions is that though the Management of the respondent-College passed a resolution dated 10.12.2012, providing for payment of salary of Rs.5,000/- from the academic year 2012-2013, the petitioners were paid salary only at the rate of Rs.3,750/- for long time and it is only around the year 2020, the salary was increased to Rs.5,400/- and hence, the petitioners submitted representations for fixation and to pay the salary increment as per the resolution dated 10.12.2012. Complaining non-consideration of the said representations and not implementing the resolution dated 10.12.2012, the petitioners approached this Court by filing these writ petitions.



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3. Respondent No.4 filed a detailed counter affidavit raising various contentions and also contending that the resolution dated 10.12.2012 has no application to the case of the petitioners herein, as they were appointed in a consolidated pay in different categories and there is no provision for granting of increments to the petitioners, as their appointment itself is on temporary basis. It is also stated that the respondents, having considered the continuance of the petitioners in service, passed appropriate orders enhancing their salary from time to time and presently, the Lab Assistants are being paid salary of Rs.12,000/-. A severe objection is also raised on the maintainability of this writ petition.

4. This Court heard the learned counsel on either side and considered their submissions carefully. The entire basis for the claim made by the petitioners in these writ petitions is the resolution dated 10.12.2012. A copy of the said resolution is placed on record together with a translated version.



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5. Learned counsel appearing for the respondents has drawn the attention of this Court to the said resolution and contended that a proposal was placed before the Governing Council for approval for enhancing the salary of the employees working in different cadres for implementing the same from the year 2012-2013, but the Governing Council has resolved to enhance salary only in respect of the employees, who have been working for more than one year by the academic year 2012-2013 only.

6. The said resolution passed by the Governing Council, as noted at the end of the resolution, is not disputed by the learned counsel for the petitioners. As a matter of fact, the said resolution was filed before this Court by the petitioners themselves. Admittedly, all the petitioners herein were appointed only in the month of September, 2012 and they have not completed one year of service during the academic year 2012-2013. Therefore, the resolution dated 10.12.2012, which is the basis for the claim made by the petitioners in these writ petitions has no application to the case of the petitioners. Hence, the claim made by the petitioners is totally baseless.



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7. Further, whether the resolution passed by the Governing Council of Respondents No.3 and 4 is enforceable before this Court, whether Respondents No.3 and 4 would come within the meaning of State under Article 12 of the Constitution are also the issues raised by the learned counsel for the respondents. In the light of the conclusion above on the factual aspects, this Court is not inclined to go into the other aspects raised by the learned counsel for Respondents No.3 and 4, as they are unnecessary to answer in the present cases.

8. Accordingly, both the writ petitions are dismissed. No costs.

28.02.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes

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