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W.P.(MD) Nos.16686, 16691, 16693 & 16695 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) Nos.16686, 16691, 16693 & 16695 of 2020

M.Balasubramani ... Petitioner in W.P.(MD)
No.16686 of 2020

G.Deivaarul ... Petitioner in W.P.(MD)
No.16691 of 2020

G.Siva Natarajan ... Petitioner in W.P.(MD)
No.16693 of 2020

P.Ramasamy ... Petitioner in W.P.(MD)
No.16695 of 2020

-vs-

The Registrar
Bharathidasan University
Trichirappalli-24

... Respondent in all W.Ps.

PRAYER (in W.P.(MD) No.16686 of 2020): Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned order passed by the respondent, dated 14.08.2018, made in Ref.No.LC/PIO/28/2018, quash the same and



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consequently directing the respondent to disburse the arrears of fellowship for sum of Rs.7,45,833/- worked in the Project “ELECGIS2”, “UZONMAP” and “NREGAGIT” with 12 % interest.

PRAYER (in W.P.(MD) No.16691 of 2020): Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned order passed by the respondent, dated 14.08.2018, made in Ref.No.LC/PIO/28/2018, quash the same and consequently directing the respondent to disburse the arrears of fellowship for sum of Rs.2,98,833/- worked in the Project “ELECGIS2” and “UZONMAP” with 12 % interest.

PRAYER (in W.P.(MD) No.16693 of 2020): Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned order passed by the respondent, dated 14.08.2018, made in Ref.No.LC/PIO/28/2018, quash the same and consequently directing the respondent to disburse the arrears of fellowship for sum of Rs.8,24,258/- worked in the Project “ELECGIS2”, “UZONMAP” and “NREGAGIT” with 12 % interest.



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PRAYER (in W.P.(MD) No.16695 of 2020): Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned order passed by the respondent, dated 15.02.2019, made in Ref.No.LC/PIO/28/2018, quash the same and consequently directing the respondent to disburse the arrears of fellowship for sum of Rs.1,58,000/- worked in the Project “ELECGIS2” with 12 % interest.

For Petitioner : Mr.R.Murali
(in all W.Ps.)

For Respondent : Mr.V.R.Shanmuganathan
(in all W.Ps.) Standing Counsel

COMMON ORDER

These writ petitions have been filed challenging the impugned orders of the respondent – University rejecting the representations of the respective petitioners seeking payment of fellowship claims, which according to them is payable by the respondent – University for the services rendered by them to the respondent – University as Project Assistants.



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2. The respective petitioners in these writ petitions claim that they were working as Project Assistants under the supervision of the Head of the Department, by name, Dr.S.Vasudevan and they ought to have been paid regularly their monthly emoluments for the services rendered by them to the respondent – University in respect of the fellowship claims, which have been filed in the typed set of documents filed along with these writ petitions.

3. Earlier, the respective petitioners filed writ petitions seeking for a mandamus to the respondent – University to pay their stipend amounts, based on their respective representations. This Court, in the previous writ petitions filed by the respective petitioners, had directed the respondent – University to consider the representations of the respective petitioners, on merits and in accordance with law and pass final orders. Pursuant to the said direction, the impugned orders dated 14.08.2018 and 15.02.2019, came to be passed by the respondent – University rejecting the petitioners' request, on the following grounds:

- (a) The appointment of any individual under any project is purely temporary and their



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appointment is valid till the tenure of the project period only.

- (b) The petitioners have claimed salary for the period beyond the actual tenure of all the three projects.
- (c) On perusal of the records available in the office of the respondent – University, it is found that no extension / approval was granted either by the funding agency concerned or by the respondent – University for the three projects beyond the actual tenure.
- (d) Dr.S.Vasudevan, Head of the Department, who had supervised the respective petitioners, had not left any proof in the office of the respondent – University for extension of projects.
- (e) No fund is available in the respondent – University on any of the three project heads.
- (f) The respondent – University is not in a position to pay the claims made by the respective



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petitioners, since no fund is available in the respondent – University under any of the three project heads.

4. The respondent – University has also filed its counter affidavit in these writ petitions.

5. Learned Standing Counsel appearing for the respondent – University has also filed an additional typed set of documents in support of the respondent – University's contentions.

6. Learned counsel for the petitioners reiterated the contents of the affidavits filed in support of these writ petitions during the course of his submissions. He also drew the attention of this Court to the fellowship claims filed along with these writ petitions for the respective months, for which, according to the respective petitioners, payments were not made by the respondent – University, and would submit that the fellowship claims have been duly certified by the officials of the respondent – University, which include the Principal Investigator for the concerned project and the



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Coordinator, Centre for GI Technologies, Bharathidasan University and therefore, he would submit that for the periods disclosed in the fellowship claims, the petitioners, who have not been paid their stipend amounts, as per the agreement, are entitled to be paid by the respondent – University.

7. On the other hand, learned Standing Counsel appearing for the respondent – University reiterated the contents of the counter affidavits filed by the respondent – University before this Court and would submit that the entire funds allocated for the three projects had already been disbursed and there are no other funds available to pay the respective petitioners, as claimed in these writ petitions. He would further submit that all the petitioners were under the supervision and control of the Head of the Department, by name, Dr.S.Vasudevan and since the funds have already disbursed for all the three projects and funds have been given by the Central Government, the question of payment of fellowship claims by the respondent – University to the respective petitioners does not arise. It is also contended by him that any extension of tenure of the petitioners, though appointed initially for a period of one year, was not approved by the respondent – University and therefore, they are not entitled to claim any relief from the respondent – University, as prayed



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for in these writ petitions. He also drew the attention of this Court to the payments disbursed by the respondent – University for the three projects, as extracted in the counter affidavits filed by the respondent – University and would submit that the funds allocated for the three projects, had already been disbursed and there are no further funds available with the respondent – University for the same.

8. The fellowship claims made by the respective petitioners in these writ petitions pertain to the year 2011-2015. Excepting for filing the fellowship claims, which have been countersigned by the Principal Investigator for the concerned project and Coordinator, Centre for GI Technologies, Bharathidasan University, there are no other supporting documents to prove that the respondent – University is liable to pay the respective petitioners as disclosed in the respective fellowship claims filed along with these writ petitions. Admittedly, the respective petitioners were only under the control of the Head of the Department, namely, Dr.S.Vasudevan, who is also not a party in these writ petitions. Excepting for filing these fellowship claims along with these writ petitions, the petitioners have not filed any correspondences made with the Head of the Department, namely, Dr.S.Vasudevan or with the



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respondent – University seeking payment for the services rendered by them for the periods disclosed in the fellowship claims, which are filed as documents along with these writ petitions. The respondent – University has also categorically stated that the funds allocated for the three projects had already been disbursed and no further funds are available to pay the respective petitioners. They have also categorically denied their liability to pay any amount to the petitioners. The petitioners have also not produced any documentary evidence to show that the respondent – University is liable to pay the amounts claimed by them in these writ petitions. The appointment orders placed on record by the learned Standing Counsel appearing for the respondent – University before this Court also reveal that prior approval of the respondent – University is required for any extension of the project period. The fellowship claims filed along with these writ petitions by the respective petitioners also include the extended period. The petitioners have not produced any documentary evidence to show that prior approval was obtained from the respondent – University by the Head of the Department, namely, Dr.S.Vasudevan for extending the project period. The respondent – University has also categorically stated that there are no records available in the respondent – University pertaining to the fellowship claims made by the



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respective petitioners in these writ petitions. The respondent – University in the impugned orders, has given acceptable reasons, as extracted supra, for rejecting the representations of the respective petitioners in these writ petitions. This Court does not find any infirmity in the reasons given by the respondent – University for rejecting the representations of the respective petitioners seeking for payment of the alleged stipend amounts for the periods disclosed in the fellowship claims. In the result, there is no merit in these writ petitions.

9. Accordingly, these writ petitions are dismissed. No costs.

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

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ABDUL QUDDHOSE, J.

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