



W.P.(MD)Nos.17020 & 17021 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)Nos.17020 & 17021 of 2024

R.Parthasarathy ... Petitioner in W.P.(MD).No.17020 of 2024

D.Jeyandran ... Petitioner in W.P.(MD).No.17021 of 2024

Vs.

1.The Commissioner / Director,
Directorate of Technical Education,
Guindy,
Chennai-600 025.

2.The Principal,
Annamalai Polytechnic College,
Chettinadu,
Sivagangai District.

3.The Accountant General,
No.361, Anna Salai,
Teynampet,
Chennai-600 018.

... Respondents in both Writ Petitions

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writs of Mandamus, directing the respondents to pay the pension benefits as per the pension orders dated 01.01.2014 and 01.06.2012 respectively and settle the earned leave surrender



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amount with admissible interest with all other consequential attended benefits and further direction to refund the recover amount.

For Petitioners : Mr.V.Panneer Selvam

For R-1 : Mr.T.Amjad Khan,
Government Advocate

For R-3 : Mr.P.Gunasekaran,
Standing Counsel

COMMON ORDER

By consent of both parties, these Writ Petitions are taken up for final disposal at the admission stage itself.

2. Heard Mr.V.Panneer Selvam, learned counsel appearing for the petitioners, Mr.T.Amjad Khan, learned Government Advocate appearing for the first respondent and Mr.P.Gunasekaran, learned Standing Counsel appearing for the third respondent in both the Writ Petitions.

3. The petitioners were given with AGP 9000 (Academic Grade Pay) prior to the Government Order in G.O.(Ms).No.111, Higher Education (C2) Department, dated 25.05.2010. Later, it has been revised. However, the permissible AGP for the petitioners has been revised from Rs.9,000/- to



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Rs.8,000/- and on 21.10.2019, the recovery order has been passed by the second respondent.

4. The petitioners have filed W.P.(MD).Nos.4601 and 4602 of 2020 before this Court and obtained an order of stay and later, the said Writ Petitions were disposed of on 10.03.2022 along with a batch of Writ Petitions by giving direction to the petitioners to give representation to the Department. The petitioners had given representations, but, the same were not considered.

5. Mr.V.Panneer Selvam, learned counsel appearing for the petitioners submitted that similar issue has been raised by many persons in W.P.(MD).No. 7135 of 2022, etc; batch, wherein, this Court has settled the legal position as under:

“42. So on the background of the above discussions, the following conclusions are arrived:-

i. G.O.(Ms).No.111, dated 25.05.2010 is applicable in respect of CAS, only for those persons who had attained the eligibility criteria on and from 25.05.2010 and not any time before and no retrospective effect be given to the above said Government Order.

ii. Even though the AICTE Regulations, 2012 states about an earlier date i.e. 05.03.2010, its applicability can be taken into effect only from the date of the Government Order and not from 05.03.2010.



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iii. *Even if the Training and Publication norms as prescribed under G.O.(Ms).No.111, dated 25.05.2010 are not complied for those who attained the eligibility on and from 25.05.2010, they will also be eligible to get CAS, if they are otherwise qualified as per G.O.(Ms).No.111, dated 25.05.2010. This has been clarified in the subsequent G.O.(Ms).No.58, dated 21.03.2018.*

iv. *For those persons, who have attained eligibility criteria before 25.05.2010 for getting CAS will only be governed under Regulations, r/w G.O.(Ms.)No.1081, dated 19.08.1989 and not G.O.(Ms).No.111, dated 25.05.2010.*

43. *The comparative statements in respect of each petitioner had been produced and the efforts taken in this regard by Mr.V.Arun, learned Additional Advocate General for the respondents 1 and 2 is appreciated. But the implementation of the CAS as per the above conclusions and issuing fresh orders by revisiting the orders under challenge after giving notice to the petitioners will be in the hands of the respondents. Hence the impugned orders are set aside and the respondents are directed to give notice to the petitioners within a period of two (2) weeks from the date of receipt of the order, in order to enable them to submit their individual representations within a period of four (4) weeks and to consider the same with or without forming a selection committee and issue fresh orders in terms of the above conclusions within a period of twelve (12) weeks from the date of receiving the individual representations. Had there been any recovery of amount already made in pursuant to the impugned orders, the same shall be refunded within a period of two (2) weeks."*



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6. The petitioners claim that they are also similarly placed persons and hence, they would not fall under the operation of the Government Order in G.O. (Ms).No.111, Higher Education (C2) Department, dated 25.05.2010 and hence, they are entitled to the relief.

7. In view thereof, the Writ Petitions are disposed of in the light of the above decision cited supra. No costs. Consequently, the connected miscellaneous petitions are closed.

25.07.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

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R.N.MANJULA, J.

TSG

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