



W.P.(MD)Nos.20085 to 20087 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2024

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)Nos.20085 to 20087 of 2018

and

W.M.P.(MD)Nos.17841 to 17844 of 2018

R.Velmurugan	: Petitioner in W.P.(MD)No.20085/18
J.Samuel Asir	: Petitioner in W.P.(MD)No.20086/18
G.Govindaraj	: Petitioner in W.P.(MD)No.20087/18
Vs.	

- 1.The Director,
Local Fund Audit Department,
Kuralagam,
Chennai.
- 2.The Regional Joint Director,
Local Fund Audit Department,
Trichirappalli Corporation Water Tank Complex,
1st Floor, Dindigul Road,
Trichy – 620 001.
- 3.The Assistant Director,
Local Fund Audit Department,
Bharathidasan University,
Palkalaiperur,
Trichy – 620 024.



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4.The Bharathidasan University,
Rep. by its Registrar,
Palkalaiperur,
Trichy – 620 024.

: Respondents in all Writ Petitions

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying for Writs of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the fourth respondent in Na.Ka.No.B3/0087121/2009, dated 19.08.2016 and the consequential recovery proceedings of the fourth respondent in Na.Ka.No.B3/008712/2009 dated 03.11.2016 and quash the same and consequently direct the fourth respondent to clear the Audit objections raised by the audit department as against the petitioners.

For Petitioner : Mr.J.Anandkumar

For Respondents 1 to 3 : Mr.T.Amjad Khan

Government Advocate

For Respondent No.4 : Mr.VR.Shanmuganathan

Standing Counsel

[In all Writ Petitions]

COMMON ORDER

The issue involved in these Writ Petitions is whether the Local Fund Audit Department can raise objections with regard to the



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grant of Selection Grade in the cadre of Assistant to the petitioners when the Syndicate of the respondent University through its administrative decision based on a Government Order namely G.O.Ms.No.68 dated 23.01.1986, has granted Selection Grade to the respective petitioners.

2.The issue raised in these writ petitions is covered by an order dated 28.04.2023 passed by a Division Bench of this Court in REV.APLC.(MD)No.170 of 2022, wherein it has been categorically held that the Local Fund Audit Department had exceeded their jurisdiction in raising objections over the administrative decision taken by the Syndicate of the University, which is very much within the powers and authority of the Syndicate.

3.In the case on hand also, only based on the administrative decision taken by the Syndicate of the respondent University, the petitioners were granted Selection Grade in the cadre of Assistants in the year 2010. Such an extension of the benefit to the petitioners were also in conformity with the Government Order namely G.O.Ms.No.68 dated 23.01.1986 and no illegality can also be attributed to the Syndicate of the University. The petitioners' salary were also refixed based on the grant of Selection Grade. However, despite the same and contrary to the well settled law as laid down by



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the Division Bench of this Court in the aforesaid decision, the impugned orders have been passed by the fourth respondent based on the objections raised by the Local Fund Audit Department, cancelling the re-fixation of pay scale order and also seeking recovery of the excess payments made to the petitioners.

4.In view of the well settled law as referred to supra, the impugned orders passed by the fourth respondent have to be necessarily quashed and the writ petitions will have to be allowed.

5.Accordingly, the impugned orders dated 19.08.2016 and 03.11.2016 are hereby quashed the Writ Petitions are allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

02.09.2024

Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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ABDUL QUDDHOSE, J.

MR

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