



W.A(MD)No.78 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.02.2025

CORAM :

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.A(MD)No.78 of 2025
and
CMP(MD)No.395 of 2025**

The Anna University,
Rep. by its Registrar,
Chennai.

... Appellant

vs.

Dr.P.Rajesh Prasanna

... Respondent

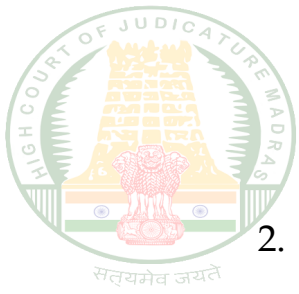
PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 01.07.2024 made in W.P(MD)No.8996 of 2021.

For Appellant : Mr. E.V.N.Siva
For Respondent : Mr.T.Aswin Rajasimman

JUDGMENT

(Judgment of the Court was made by J.NISHA BANU, J.)

This writ appeal is filed against the order dated 01.07.2024 made in W.P(MD)No.8996 of 2021.

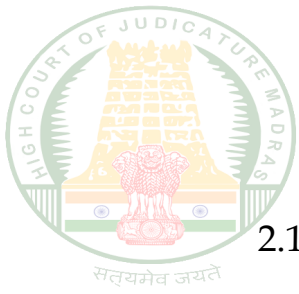


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2. The facts leading to the filing of the writ appeal are as

WEB follows:

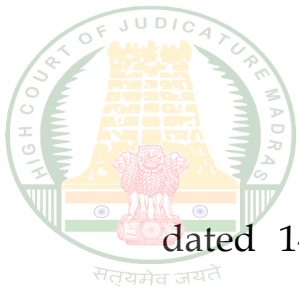
The respondent has completed Post Graduation and Ph.D in Civil Engineering. On 16.05.2007, he was engaged as a Lecturer (Selection Grade) in the Department of Civil Engineering at Anna University of Technology, Trichy, on a contract basis. Pursuant to the recruitment notification for filling up of sanctioned and regular posts of Assistant Professors in various departments including the Department of Civil Engineering, the respondent applied to the said post and got selected and also joined as an Assistant Professor on 17.08.2009 on regular basis in a sanctioned post. The respondent was appointed as an Estate Officer of Anna University of Technology, Trichy, for a period of three years and the respondent took over the charge on 22.07.2019 as an Estate Officer and continued service as an Assistant Professor cum Estate Officer. Thereafter, as per the resolution passed by the Syndicate of Anna University of Technology, Trichy, the petitioner was appointed as Professor cum Estate Officer, by order dated 23.05.2011.



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2.1. Due to his health condition, the respondent submitted resignation dated 07.10.2011. However, the Registrar of Anna University of Technology, Trichy, directed him to assist the Monitoring Committee by letter dated 11.01.2012 and informed him that relieving order would be issued after the approval of the Syndicate. However, no relieving order came to be passed and he continued in service as an Estate Officer in the appellant University. While so, on 29.01.2013, he was suspended from service, followed by issuance of a charge memo dated 29.01.2013. An Enquiry Officer was also appointed, who conducted the enquiry, however, till date, the enquiry report is awaited.

2.2 While so, on 30.09.2020, the petitioner was issued with a show cause notice with several allegations particularly claiming that he had been relieved from service on 24.01.2012 itself, however, in collusion with the then competent authority, he got his name included in the staff list submitted to the Monitoring Committee and he has no *locus standi* to continue in service. So saying, the respondent was asked to show cause as to why his service should not be terminated. In the meanwhile, the Government, vide G.O.R.T.No.91, Higher Education (I1) Department



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dated 14.07.2017 constituted a committee to examine the improper appointments of both the teaching and non teaching staff made by erstwhile Anna University of Technology and submit a report. The said committee had concluded that the appointment of the respondent to the post of Estate Officer is a non teaching post and therefore, redesignating him as Professor-cum-Estate Officer is invalid. Based on the said report, an order dated 09.04.2021, was passed terminating the respondent from service. Challenging the same, the respondent filed writ petition.

2.3. The Writ Court, finding that the report of the committee constituted, vide G.O.R.T.No.91 was quashed by the Principal Seat of this Court in W.P.No.7140 of 2020 etc batch dated 30.01.2024, quashed the impugned termination order dated 09.04.2021. The relevant passage of the order passed by the Writ Court is extracted hereunder:

"6. Considering the fact that this Court has already quashed the report of the committee constituted, vide G.O.R.T.No.91 of the Higher Education (I1) Department dated 14.07.2017, I am inclined to extract the relevant portion of the said order. The relevant portion of the same is extracted as follows:

"(i) to issue orders to all those regular employees



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who have been working in the erstwhile unamalgamated Anna Universities of Technology for allotting them either to the amalgamated Anna University of Technology, other educational institutions or Government departments, depending on the vacancy position with continuity service and all other consequential and attendant benefits.

(ii) While doing so, if any difficulties or discrepancies are encountered due to any difference in giving the job title, appropriate orders for re-designation shall be issued with due pay protection."

7. In view of the same, I have no hesitation to quash the impugned order of termination dated 09.04.2021, vide impugned Memo No.CFL/UCE-BITT/PR26/202 and consequently, the respondent University is directed to allow the petitioner to perform his service which he served on the date of suspension with effect from 29.01.2013. However, giving liberty to the respondent University to proceed with the departmental enquiry based on the awaited enquiry report in charge memo dated 29.01.2013 in accordance with law, in case of misconduct, if any. However, it is made clear that the petitioner is entitled to all monetary benefits and other service benefits in terms of the prevailing rules and regulations."

3. The contention made by the learned counsel for the appellant is two fold. Firstly, the respondent who did not challenge the



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report of the committee constituted under G.O.R.T.No.91, Higher

Education (I1) Department dated 14.07.2017, is not entitled to the benefit of the common order dated 30.01.2024 made in W.P.No.7140 of 2020 etc batch. Secondly, pursuant to his resignation letter, when the respondent was relieved from service on 24.12.2012 itself, the Writ Court ought not to have ordered monetary benefits from 29.01.2013. On the abovesaid grounds, interference is sought for.

4. Heard both sides.

5. Though the appellant contended that the respondent is not entitled to the common order dated 30.01.2024 made in W.P.No.7140 of 2020 etc batch, perusal of the common order dated 30.01.2024 made in W.P.No.7140 of 2020 etc batch, shows that it is not a judgment in personam, whereas, it is a judgment in rem applicable to all those regular employees who have been working in the erstwhile unamalgamated Anna Universities of Technology. Admittedly, the respondent was a regular employee of Anna University of Technology, Trichy, and therefore, he is entitled to the benefit of the abovesaid



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common order. It is also a well settled principle that individuals are not

required to litigate separately for the same relief which was already granted to similarly situated individuals. In the present case, the respondent being a similarly placed employee, he is entitled to the benefit of the said common order.

6. As regards the other contention that pursuant to his resignation letter, when the respondent was relieved from service on 24.12.2012 itself, the Writ Court ought not to have ordered monetary benefits from 29.01.2013, no materials have been placed before this Court to prove that relieving order dated 24.12.2012 was served on the respondent and consequently, monetary benefits were settled to him. Despite the charge memo was issued on 29.01.2013 and enquiry was conducted, till date, the enquiry report is awaited. Therefore, there is no infirmity in the direction of the Writ Court ordering to grant monetary benefits to the respondent from 29.01.2013. While granting such direction, the Writ Court has also granted liberty to the appellant University to proceed with the departmental enquiry on the charge memo dated 29.01.2013, in case of misconduct if any. Keeping the



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disciplinary proceedings which were initiated on 29.01.2013, in the enquiry stage till date, itself shows the *mala fide* intention on the part of the appellant.

7. Be that as it may, we concur with the order passed by the Writ Court. Accordingly, the Writ Appeal is dismissed. No costs. The appellant shall pay all the monetary benefits as ordered by the Writ Court to the respondent within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

[J.N.B, J.] [S.S.Y, J.]
24.02.2025

Index : Yes / No
Neutral Citation : Yes / No
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To

The Registrar,
Anna University,
Chennai.



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J.NISHA BANU, J.
AND
S.SRIMATHY, J.

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