



W.A(MD) No.229 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 05.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A(MD) No.229 of 2025

and

C.M.P.(MD)Nos.1609, 1613 & 1614 of 2025

N.Siva

... Appellant / Petitioner

Vs.

**1.The Government of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
Higher Education Department,
Fort St.George, Chennai.**

**2.The Director,
Directorate of Advance Institute for Integrated
Research on Livestock and Animal Sciences,
Veterinary Polyclinic Campus,
Nandanam, Chennai.**

**3.The Registrar,
Annamalai University,
Annamalai Nagar, Chidambaram,
Cuddalore District.**

... Respondents / Respondents



W.A(MD) No.229 of 2025

WEB COPY

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 20.01.2025 passed in W.P. (MD)No.1198 of 2025 and W.M.P.(MD)Nos.814, 815, 816 & 818 of 2025 on the file of this Court by allowing this writ appeal.

For Appellant : Mr.J.Pooventherarajan

For Respondents : Mr.C.Venkatesh Kumar
Special Government Pleader
for R1 & R2

: Mr.Ajmalkhan
Senior Counsel
for M/s.Ajmal Associates
for R3

JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The appellant herein filed W.P.(MD)No.1198 of 2025 challenging the re-deployment made by the Government. The petitioner also sought interim relief. The learned single Judge passed the following interim order:-



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W.A(MD) No.229 of 2025

“The instant writ petition has been filed by a surplus employee of the third respondent University, challenging the order of deployment, wherein, there is no reference about the pay protection to the writ petitioner. It is the grievance of the writ petitioner that unless pay protection is granted, his service benefits would be affected as and when he joins in the second respondent institute.

2. It is made clear that merely because the petitioner has joined in the second respondent institute that will not prevent the petitioner from seeking pay protection if he is otherwise eligible.

3. Mr.N.Satheeshkumar, learned Additional Government Pleader takes notice for the respondents 1 & 2.

4. Issue notice to the third respondent returnable by 13.02.2025. Private notice is also permitted.”

Feeling aggrieved by the non-grant of interim relief as prayed for, this writ appeal came to be filed.

3. The learned counsel appearing for the appellant contended that the Division Bench of this Court sitting in the Principal Seat had recorded the understanding between the parties and that the impugned order is not in consonance with the same. In fact, the appellant had also filed Cont.P.(MD)No.1595 of 2025. It is true that the Hon'ble Division Bench originally passed the following order on 24.03.2025 in W.A.No. 1309 of 2025 etc., batch.

3/10



W.A(MD) No.229 of 2025

WEB COPY

“ This order will govern the entire list of 41 cases listed today except Item Nos.6 (W.A.No.62/2025), 7 (W.A.No.131/2025), 8 (W.A.No.135/2025), 13 (W.A.No.177/2025), 14 (W.A.No.187 of 2025), 19 (W.A.No.254/2025), 20 (W.A.No.259/2025), 21 (W.A.No.261/2025), 25 (W.A.No.271/2025), 26 (W.A.No.279/2025), 27 (W.A.No.288 of 2025), 31 (W.A.No.316 of 2025), 33 (W.A.No.332 of 2025), 37 (W.A.No.375/2025), 39 (W.A.Nos.479 & 480/2025) and 40 (W.A.No.696 of 2025).

2. The challenge in all these appeals is to the order of the learned Single Judge dated 10.04.2024 made in several writ petitions, where the challenge was to the re-deployment of the petitioners in various other Government departments and re-fixation of pay with a consequential direction to allow them to continue to as Liaison Officer/Special Officer in the scale of pay of Rs.15600–39100+Grade Pay 5400 with all other attendant and service benefits. The writ petitions were allowed by the learned Single Judge and the following directions were issued:

“24. For all the foregoing reasons, all the Writ Petitions stand allowed. Consequently, the following orders and directions are issued:-

(a) All the orders passed by the State Government, as well



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W.A(MD) No.229 of 2025

as the University, re-designating each of the petitioners herein to a lower cadre, as well as re-fixing and reducing their pay scales from Rs.15,600-39,600+Grade Pay Rs.5,400 to Rs.9,300-34,800 + Grade Pay Rs.4,600, are hereby declared as illegal.

(b) The State Government, as well as Annamalai University shall forthwith pass appropriate orders, restoring the pay scales of all these petitioners herein to their original scale of pay.

(c) In case, the scales of pay of any of the petitioners herein have already been reduced and given effect to, the difference of the total salary emoluments shall be refunded to them.

(d) The respondents shall pass appropriate orders, re-designating the various posts of these petitioners to the same post they were holding, immediately prior to their re-designation or to any other nomenclature of a post, which may hold the same pay scale or higher pay scale, which the petitioners were drawing at the time of their re-designation or in the alternate, create equal supernumerary posts and accommodate them by passing suitable orders.

(e) All the above directions shall be complied by the respondents, within a period of four (4) weeks from the date of receipt of a copy of this order.”

3. When these appeals were listed for hearing before us, the Registrar, In-charge of Annamalai University has filed a counter affidavit in C.M.P.No.3976 of 2025, wherein, an offer was made in paragraph Nos.16 to 19 and the said offer reads as follows:

“16. I submit that due to the closure of the Study Centres of the 1st respondent university, the petitioners and other special/liaison officers do not have any work in the university and



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W.A(MD) No.229 of 2025

without doing any work, the petitioners and others are drawing an attractive amount of salary from the 1st respondent university.

17. I submit that on the basis of “no work no pay” theory, the salaries to these officers are ought not to be paid but only on the humanitarian ground and considering their lives and families, instead of retrenching them, the government decided to give employment to these surplus officers in various government departments & institutions on agreement basis for a period of 3 years.

18. I submit that the petitioners and others neither joined in the posted place nor doing any work in the 1 st respondent university, filed the writ petitions and simply sitting and drawing a salary. Hence, the 7 th pay commission is not extended to the petitioners and others.

19. I submit that however, if they do agree to accept the redeployment, the same could be accepted by the university giving them pay protection.”

4. Mr.A.L.Somayaji, learned Senior Counsel and Mrs.Dhakshayani Reddy, learned Senior Counsel representing the cause of about 263 employees, who were the petitioners before the Writ Court, have agreed to accept the offer with certain modifications. The modifications suggested are that they should be given pay protection and they should be appointed to any of the posts, which carry similar or equivalent pay and they should be paid the 7th Pay Commission scale of pay with effect from 01.04.2018 notionally along with monetary benefits from



W.A(MD) No.229 of 2025

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01.04.2025. They will forego the claim for arrears as per the scale of pay recommended by the 7 th Pay Commission from 01.04.2018 to 31.03.2025. Annual increment should be extended to those petitioners with effect from 01.01.2018 and the said extension of annual increment will also be on national basis and no arrears will be payable.

5. The list of employees, who agreed for the proposal is appended to this order.

6. The learned Advocate General upon instructions would agree that the offer of the 263 employees, who had also signed the said offer, is acceptable to the University.

7. In view of the said understanding reached, these appeals are disposed of with the following directions:-

(i) The 263 employees, who had signed the offer that has been produced before us will be re-deployed to similar or equivalent post in Government departments, which carry the same scale of pay;

(ii) They will also be given the benefits of the pay fixation done by the 7 th Pay Commission with effect from 01.04.2018 notionally and with monetary benefits from 01.04.2025;

(iii) Annual increments will also be provided on the notional fixation of the salary with effect from 01.04.2018 as per the recommendation on the 7 th Pay Commission and monetary benefits of such annual increments will flow from 01.04.2025. They will also be assured of security in employment with all



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W.A(MD) No.229 of 2025

service benefits till the age of superannuation. This re-deployment will be for a period of three years and will be extended depending of the exigencies. These 263 persons have also undertaken to join the re-deployed post by 01.04.2025.”

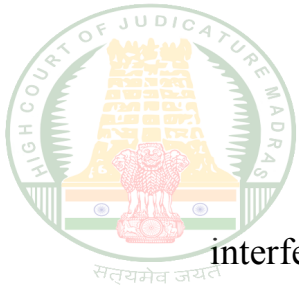
4. The learned Additional Advocate General draws our attention to the fact that subsequently, mention was made before the very same Hon'ble Division Bench. The following modification order was passed on 09.04.2025 in W.A.No.1109 of 2025 etc., batch.

“2.Paragraph 6 of the order dated 24.03.2025 will stand modified as follows:-

6. The learned Advocate General upon instructions would agree that the offer of the 263 employees, who had also signed the offer is acceptable to the University and with reference to re-deployment, the same or equivalent post or a post commensurate with their educational qualification and experience and pay parity.

3. The other part of the order will be sustained.”

5. The learned Additional Advocate General reiterates that the writ petitioner's pay will be fully protected. We are therefore of the view that the order passed by the learned single Judge does not call for



W.A(MD) No.229 of 2025

interference. The appellant undertakes to join in the re-deployed post on 11.08.2025. The second respondent is directed to permit the appellant to report for duty and join in the re-deployed post. The intervening period shall be adjusted against the leave standing to his credit and no disciplinary action shall be taken against the writ petitioner. The learned counsel for the appellant undertakes to withdraw the writ petition. The Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S., J.) (K.R.S., J.)
05.08.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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NOTE: Issue Order Copy on 06.08.2025

To

1. The Additional Chief Secretary to Government,
Higher Education Department,
Fort St. George, Chennai.



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W.A(MD) No.229 of 2025

G.R.SWAMINATHAN, J.

AND

K.RAJASEKAR, J.

rmi

2.The Director,
Directorate of Advance Institute for Integrated
Research on Livestock and Animal Sciences,
Veterinary Polyclinic Campus,
Nandanam, Chennai.

W.A(MD) No.229 of 2025

05.08.2025