



W.A(MD) No.80 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.09.2025

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.A.(MD)No.80 of 2020
and C.M.P(MD)Nos.682 & 684 of 2020**

The Principal,
Arasan Ganesan Polytechnic College,
Sivakasi, Virudhunagar District.

... Appellant

-VS-

1. P.Kalyanasundari
2. The Principal Secretary,
Higher Education Department,
Government of Tamil Nadu,
Fort St.George, Chennai.
3. The Commissioner,
Directorate of Technical Education,
Guindy, Chennai.

... Respondents

PRAYER: Writ Appeal filed under Section 15 of Letters Patent praying to allow this writ appeal and set aside the order passed by this Court dated 08.07.2019 in WP(MD). No.9729 of 2015 and dismiss the writ petition.



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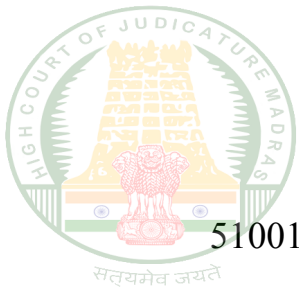
For Appellant : Mr.N.Dilipkumar
For Respondents : Mr.Kasiraja,
for Mr.S.Visvalingam for R1
Mr.P.T.Thiraviyam,
Govt. Advocate for R2 & R3

JUDGMENT

(Judgment of the Court was delivered by ***R.Vijayakumar, J.***)

The present Writ Appeal has been filed by the College Management challenging the order passed by this Court in W.P.(MD). No.9729 of 2015, dated 08.07.2019, wherein the order of recovery has been set aside and the authorities have been directed to refix the pay scale. Further, the Writ Court has also directed for initiation of departmental action as against the officials concerned for dereliction of duty.

2. According to the learned counsel appearing for the College Management, pursuant to the orders of the Writ Court, the pay has been refixed, reducing the grade pay from Rs.9,000/- to Rs.8,000/- by way of proceedings of the Director of Technical Education in Letter No.



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51001/S5/2016, dated 08.04.2021. Aggrieved over the said proceeding, the first respondent has filed a Writ Petition in W.P.(MD)No.19011 of 2023 and an order of interim stay has been granted.

3. The learned counsel appearing for the appellant further submitted that with regard to the payment of grade pay, all the aided Colleges throughout the State have disbursed the said amount. After disbursement, an objection has been raised by the official respondents. In such circumstances, the direction issued for initiation of departmental action may be set aside.

4. Considering the fact that the direction issued by the Writ Court for refixing of pay has already been carried out by the concerned authorities and the same has also been put to challenge by the first respondent herein, we are inclined to pass the following order:

(a) the direction issued by the Writ Court in paragraph No.5(iii) is hereby set aside;

(b) the official respondents are directed to release the terminal benefits after withholding a sum of Rs.



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5,39,816/-. The balance terminal benefits shall be released, with admissible interest, by the respondents 2 and 3 within a period of twelve (12) weeks from the date of receipt of a copy of this order; and

(c) As far as the right of the first respondent to claim the retained amount is concerned, the same will depend upon the outcome of the order in W.P.(MD)No. 19011 of 2023.

5. The Writ Appeal is partly allowed with the above said observations. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[C.V.K., J.] [R.V., J.]

03.09.2025

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



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C.V.KARTHIKEYAN, J.
and
R.VIJAYAKUMAR, J.

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