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**PANDIT JAWAHARLAL NEHRU COLLEGE OF AGRICULTURE
AND RESEARCH INSTITUTE, KARAIKAL**

No.5302/PJN/EI/Estt/2008

22
Date: -09-2008

NOTE

Sub: PAJANCOA & R.I. Karaikal – Estt. – Judgement of the Hon'ble High Court, Chennai in W.P. Nos. 5219 and 6336 of 2006 setting aside G.O.Ms.No. 22/Ag dated 10.10.2005 of the Chief Secretariat (Agri.) - Implication & Follow-up action – Reg.

This relates to the common Judgment of High Court, Chennai in Writ Petitions No. 5219 and 6336 of 2006 setting aside the G.O.Ms.No.22/Ag dated 10.10.2005 of the Chief Secretariat (Agriculture), Puducherry.

2. The case is that Dr. K. Paramasivam (Petitioner in W.P.No. 5219/2009) and three others namely Dr. V. Chellamuthu, Dr. A. Baskar and Dr. P. Nasurudeen (Petitioners in W.P. No.6336) were appointed in PAJANCOA & R.I. Karaikal as Professor on direct recruitment. Fourteen Associate Professors, who were cited as Private respondents in the said Writ Petitions who were earlier worked in the Agriculture Department, Puducherry as Agricultural Officers were absorbed as Assistant Professor in the PAJANCOA & R.I. Karaikal on possessing the requisite P.G. qualification for the post of Assistant Professors. The Government of Puducherry issued an orders vide G.O.MsNo.22/Ag dated 10.10.2005 of the Chief Secretariat (Agriculture), Puducherry which envisaged for providing the benefit of counting of their past service rendered in the Agricultural Department, Puducherry as Agricultural Officer for promotion to the post of Professors. Aggrieved by the orders of the Govt. of Puducherry, the petitioners filed two writ petitions in High Court of Judicature, Chennai.

3. The Petitioners contended that PAJANCOA & R.I. Karaikal is governed by the Rules and Regulations of the UGC according to which Associate Professor with eight years and Asst. Professor and Associate Professor put together possessing continuous service of 17 years (both with

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Ph.D., qualification) can alone be considered for the promotion as Professor. They argued that private respondents 4 to 17 could not be equated to them by counting their past service rendered in the Agricultural Department Puducherry as Agricultural Officers. They contended that by virtue of impugned G.O., the Respondents 4 to 17 would become seniors to them. They argued that Private respondents who were not discharging the duties of teaching and research activities when they were working as Agricultural Officers. They have also contended that their promotion to the post of Dean would be affected by the impugned order and prayed to set aside the G.O.Ms.No.No.22/Ag dated 10.10.2005 of the Chief Secretariat(Agriculture) Puducherry.

4. The Government of Puducherry, the first Respondent, in the case replied that the PAJANCOA & R.I. Karaikal is a Registered Society under the Central Societies Registration Act and it is governed by the Governing Body and the rules and regulations framed by them. The objective of the society is to run the institution on the same pattern on which the Tamil Nadu Agricultural University is being run and in so far as the appointment of teaching staff is concerned, the qualification and academic standard prescribed by the Tamil Nadu Agricultural University are being followed.

5. The Government further replied that the date on which the degree in Ph.D., was acquired by the Assistant Professor shall be the effective date to decide the Seniority for promotion to the post of Professor. Persons absorbed by the PAJANCOA & R.I. Karaikal as Assistant Professors and promoted to the post of Associate Professors were considered for promotion to the post of Professor and eligible Associate Professor alone were promoted to the post of Professor as all of them were qualified to the said post during the period of 1995-1999. Further it was replied that the Recruitment Rules were framed in the year 1993 and a decision was taken to absorb the Assistant Professors who were on deputation from the date of appointment. Almost all the Assistant Professors acquired the qualifications of Ph.D., on various dates and they are eligible for being considered to the post of Professor.

6. The Government of Puducherry submitted that the Career Advancement Scheme (CAS) introduced by the UGC and for giving the

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service was considered and approved by the Governing Body of the respondent institution. They submitted that the petitioners have no grievance about their qualifications possessed by them in as much as they Tamil Nadu Agricultural University which extended similar benefits to count the past services of the one who came from other department.

10. The Respondents submitted that the impugned G.O.Ms.No.22/Ag dated 10.10.2005 is based on the U.G.C. norms and as per Tamil Nadu Agricultural University norms and there is no infirmity in the norms. Further they denied the petitioner's contention that their promotional chance to the post of Dean would be affected in as much as the impugned G.O. can only extend the benefit of the respondents for their Career Advancement Scheme in the post of Associate Professor and Professor and the post of Dean is not a promotion post.

11. The Respondents furnished the details of the case of Thiru P. Murugesapoopathy who was given the benefit of past services by the Tamil Nadu Agricultural University and said that then case is similar.

12. The counsel for the petitioner submitted that the impugned G.O. has been passed in consideration of the following 3 aspects.

a) The letter dated 23.12.2004 sent the first respondent as per the resolution passed by the Governing Body of PAJANCOA & R.I. on 13.04.2000 resolving to direct the Dean of the second respondent College to send the proposal for counting of the past services rendered in the Agricultural Department for promotion of the respondents 4 to 17 as Professors under Career Advancement Scheme to the first respondents for scrutiny was considered.

b) The proposals on par with the Agricultural Officers/Assistant Veterinary Surgeon absorbed in the Tamil Nadu Agricultural University and Tamil Nadu Veterinary and Animal Sciences University, Chennai was considered for issue of the impugned G.O.

benefit under Career Advancement scheme, the basic years of service in the feeder category in the feeder has been taken in to consideration. Initially person in the Agricultural Department who posses P.G. qualifications were appointed as Lecturers as an urgent and one time measure. As posting was done as a one time measure on urgent basis, consideration of their case for grant of benefit for Career Advancement Scheme was also one time measure since they do not have had any previous experience. Accordingly it was recommended for consideration of their previous service in the Department of Agriculture to count for the qualifying service to count the benefit of Career Advancement Scheme.

7. The Government further argued that the PAJANCOA & R.I. applying the rules of the Tamil Nadu Agricultural University to its governance and as such the U.G.C. norms will have no application to the PAJANCOA & R.I. Karaikal. Further it was replied that the U.G.C. norms do not apply to them in as much as the I.C.A.R has in consideration of the U.G.C. regulations framed its own regulations and made them applicable to all the Agricultural Colleges & Research Institute and the PAJANCOA is one such institutions affiliated to Tamil Nadu Agricultural University.

8. The Private Respondents (excepted 13,14,15) argued that the post of Dean is not a promotional post and that the petitioners rights are not in any way affected by the said G.O.Ms.No.22/Ag dated 10.10.2005. They averred that they were engaged in various extension activities and farms related managerial activities and therefore the contention of the petitioners that while working as Agricultural Officers in Agricultural Department, they were not discharging teaching and research functions, is not correct. Further they repudiated the contention of the petitioners that they do not possess the Ph.D. qualifications while entering the service has no relevance in as much as they were appointed in the institutions as per the Recruitment Rules. They averred that promotion to the Selection Grade scale in the post of Assistant Professor and for promotion as Associate Professor, possession of Ph.D., is not a precondition under the Career Advancement Scheme.

9. The Respondents further stated that the impugned order was issued in recognition of their services rendered in the Department of Agriculture and in the respondent institution and that such a proposal to recognize their past

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c) The benefits under the Career Advancement Scheme subject to the fulfillment of Assured Career Advancement Scheme was also one of the factor considered.

13. The counsel for the petitioner contended that as per the Society Rules the Governing Body is the competent authority to decide the matters relating to the recruitment and promotion of teaching and non-teaching staff of the institution and that is why the issue regarding the counting of past service of the past service was placed in the Governing Body for decision on 14.04.2000. As such the action of the 1st respondent in issuing the Govt. Order by taking a decision as to counting the past service for promotion is outside jurisdiction of the Government and it amounts to exceeding their authority and encroaching upon the administration function of the Governing Body.

14. The counsel for the petitioner submitted that examination of the proposal on par with the Tamil Nadu Agricultural University is improper and illegal in as much as such a decision was made to avoid duplication of work in the field of research by the University as well as in the research wing of the department. The guidelines and norms are specifically provided under the UGC notification 1998 for counting of past services for the post of Asst. Professor for further promotion. Under clause 8 of the U.G.C. Notification 1998, it has been specifically stated that previous same without any break as a lecturer equivalent in University, College etc., should alone be counted for placement of lecturer in Senior Scale or Selection Grade provided that the post was in equivalent grade/scale of pay as such counting past service rendered by the respondents 4-17 as Agricultural Officers which is not an equivalent post of Asst. professor and not carry equal pay scale as that of Assistant Professor is against U.G.C. norms and the rules of the 2nd Respondent institution governing the recruitment and promotion and since the G.O. is illegal.

15. The counsel for the petitioner contended that the CAS under the U.G.C. notification 1998 provides for promotion from the post Associate Professor to the post of Professor only if they possess a minimum experience of 8 years as Associate Professor or a total services of 17 years in a College or University. In the instant case the respondents 4-17 have not attained the eligibility. Therefore counting of past services rendered by the respondents 4-

17 before they were appointed as Assistant Professor does not under any of these two categories. The CAS provides that where a person is appointed by direct recruitment /transfer from another post in the same grade then the past service as well as past promotions in the earlier posts will be counted for computing regular service for the purpose of ACPS in the new hierarchy the reason that, the service is in the same scale during that period in question. However, if the appointment is made to a post in a higher grade, then such appointment, whether by direct recruitment or by transfer or initially on deputation followed by absorption will be treated as direct recruitment and past service/promotion which was in different scale will not be counted.

16. In the case of respondents 4-17, they were appointed initially on deputation followed by absorption and their appointment will amount to direct recruitment and therefore their past services would cease to be effective on the date of such fresh and direct recruitment. The appointment as Assistant Professor is not an appointment by transfer from the same cadre or a promotions from the lower cadre. Therefore counting the past services of respondents 4-17 for the purpose of promotion to the post of professor is illegal and is in violation of the scheme. The counsel has drawn the attention of the court to the specific statement of the Dean that relevant particulars were not available at the time of consideration of proposal (i.e.,) in the year 2000 (i.e., 12.04.2000), he submitted that the decision was to go by the yardsticks fixed by the U.G.C./ICAR and the proposal for counting the past services ought not to have been acted up contrary to U.G.C./I.C.A.R. norms. Further he pointed out the audit objection of the Audit General, Tamil Nadu in this regard.

17. The Government Pleader for Puducherry has submitted that the U.G.C. norms are not applicable to the respondent institution and they are governed by the regulation of the Agricultural University and the rules promoted by the 3rd respondent institution. He submitted that the past services of the respondents 4-17 were considered as a one time measure for applying the CAS and taking in to account the urgent need in the College. As ICAR has framed its own rules adopted by the TNAU and the same is being followed by the 3rd respondent College. Therefore he submitted that U.G.C. norms are not applicable to the 2nd respondent institution.

18. The counsel for the respondents 4-17 has submitted that the U.G.C. Rules are very much applicable to the 3rd respondent institution. She made a forceful plea that the U.G.C. is applicable to Agricultural Universities and the colleges as well even ICAR adopted the U.G.C. norms. Further she submitted that as long as their service conditions are not attached granting the benefit of ACPS to the respondents can not be questioned.

19. After hearing both the sides and the submission of the Government Pleader of Puducherry, the Hon'ble Court observed as follows:

(4) The Hon'ble court relied upon the letter dated 18.09.2003 of the Dean, PAJANCOA & R.I. addressed to the Secretary that as per Appendix VII of the U.G.C./ICAR guidelines that the posts of Agricultural officers and Assistant Professor are not equal either by qualification or by scale of pay. The Transfer of service of Agricultural Officers to Tamil Nadu Agricultural University by the Government of Tamil Nadu was done before the issue of U.G.C./ICAR norms for counting their past services. Now the Tamil Nadu Agricultural University has totally stopped the transfer of Agricultural Officers from the Department of Agriculture, Govt. of Tamil Nadu. In Tamil Nadu Agricultural University also the services rendered in Department of Agricultural was not counted for CAS. Further the Governing Body of PAJANCOA & R.I. (Karaikal) Society at its XXIII meeting held on 21.12.1999 approved the revised Career Advancement Scheme for placement of Assistant Professor in the Senior Scale, Selection Grade and Associate Professor only. The Professor post will be filled up only against sanctioned posts. The direction of the Chief Secretary to Govt./Chairman is "We have to go by the yardsticks fixed by the UGC/ICAR and the present case does not fit the conditions prescribed as per the UGC/ICAR norms." As per the directions of the Chief Secretary-cum-Chairman, the Association has been explained in this regard. The post of Agricultural Officers does not equivalent to the post of Asst. Professor both in pay scale and qualification. Hence consideration for counting of past services of Agricultural Officers rendered in the Agricultural Department was not approved by the Chairman. The Private respondents 4-17 were not holding the post of equivalent grade/scale of pay, equivalent to the post of Assistant Professor in

8 PAJANCOA & R.I. and they were drawing in lesser scale of pay. On comparative assessment of the post of Assistant Professor come under 'A' category and the private respondents, who were working as Agricultural Officers, falls under 'C' category.

20. The Hon'ble High court, Chennai has relied upon the clarification issued by the Ministry of Personnel, Public Grievances & Pensions, Department of Personnel and Training dated 18.07.2001 which clarifies counting of past services of an initially appointed on deputation in a grade higher than the grade of the post held on regular basis and was subsequently absorbed against the ex-cadre post according to which 'where a person is appointed on direct /transfer basis from another post in the same grade, their past regular service for the purpose of ACPS in the new hierarchy. The reason being that so long as service is in the same scale during the period in question, it is immaterial whether he has been holding different posts in the same scale. However, if the appointment is made to a post in a higher grade, there such appointment whether by direct recruitment or by transfer or initially on deputation followed by absorption, will be treated as direct recruitment and past service/promotion (which was in a different scale) will not be counted. In the case where a person is appointed to an ex-cadre post in higher post in higher scale initially on deputation followed by absorption, while the service rendered in the earlier post, which was in a lesser scale, can not be counted, there is no objection to the period spend initially on deputation to ex-cadre post period to absorption being counted towards regular service for the purposes of grant of financial upgradation under ACPS as it is in the same scale of pay and same post.

21. Hence, the court has not agreed the submission of the Counsel of the Private respondents 4-17 that the guidelines issued by the DOPT is applicable only to Central civilian employees and not to PAJANCOA & R.I. and observed that there can not be difference in application of U.G.C. norms whether it is AICTE or ICAR and UGC has to be applied uniformly to all person covered under the Scheme. The court has also relied on the audit objection of the Senior Audit Officer of the Audit General, Tamil Nadu which has raised its objection based on the clarification issued by the DOPT.

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22. The Court has observed that there is no reference to the subsequent development (i.e.,) issuance of U.G.C. guidelines for implementation of the ACPS and the specific note of the Chief Secretary/Chairman of the Committee dated 9.9.2003. the court taking note of the contention of the petitioners observed that unless the Governing Body takes a decision in the matter of counting of the past services rendered in the Agricultural Department, the first respondent can not take a decision in the matter based on a resolution said to have been passed in the year 2000 which was without reference to the U.G.C./ICAR norms and that the proposals have to be sent to Administrative Secretariat for scrutiny and the first respondent has to examine as to whether the proposal has the sanction of the Governing Body in the light of UGC/ICAR.

23. After introduction of the U.G.C/ICAR norms, when the Tamil Nadu Agricultural University has taken a decision not to count the past services rendered in the Agricultural Department which is evident from the letter dated 18.09.1993 of the Dean, PAJANCOA & R.I. , the decision taken by the 1st Respondent runs contra to the norms followed by the Agricultural University. Therefore, the reasons contained in G.O. that the proposal has been examined on par with the Agricultural Officers/Asst. Veterinary Surgeons absorbed in the Tamil Nadu Agricultural University, Coimbatore and Tamil Nadu Veterinary and Animal Sciences Universities are erroneous. There is no reference as to whether U.G.C. norms and other factors stated supra have been considered or not. There is no rule or regulation of Society dealing with the counting of past service. Therefore respondents 1 and 2 have to be necessarily fell back on U.G.C. norms for counting the past services rendered in some other department for the purpose of Career Advancement, promotion and seniority.

24. As per ICAR norms, the previous service without any break as Assistant Professor or equivalent in a University college, National Laboratory or Scientific Organisation like CSIR, ICAR, DRDO, U.G.C. and as a U.G.C. Research Scientist should be counted for placement of lecturers (Assistant Professor) in Senior Scale/Selection Grade provided:

- i) The post was in equivalent grade/scale of pay as the Asst. Professor.

- 10
- ii) The qualification for the post were not lower than the qualification prescribed by U.G.C. for the post of Asst. Professor.

While appointing the respondents 4 to 17, the Dean, PAJANCOA & R.I. in his letter dated 02.08.1993 has stated that the respondents were absorbed as Assistant Professor in the scale of pay of Rs.2200-75-2800-100-4000 and that their previous services will be considered only for retirement benefits. If the services rendered by them have to be considered for the ACPS for purpose of fixation of pay, promotion and seniority, then it would be amounting to treating the services rendered in the lower scale of pay /grade (Agricultural Officer) is equivalent to the services rendered in higher scale of pay/grade (Assistant Professor) in PAJANCOA & R.I. (Karaikal), which means treating unequals as equals in the matter of seniority.

25. The second respondents Institution was founded only on 2nd October 1987. If the services rendered by Dr. G. Mohamed Yassin in the Agriculture Department 15 years 4 months and 27 days were to be counted, for fixing the seniority, it would certainly bring about an anomalous situation, when the Institute itself was founded only on 2nd October 1987.

26. The court also contended the action of the Government that Government can try to introduce new cause in the counter affidavit to support to impugned order. It is well settled that when an order is passed by statutory authority, the same should be supported by reasons contained therein and it can not be permitted to support his order on the basis of statement made in the counter affidavit.

27. The Hon'ble High Court, Chennai based on the above findings held that the contention of the petitioner that their promotional chances to the post of Dean may not be correct in the light of recruitment rules which states that the post of Dean should be filled up by deputation or direct recruitment. But the averments in the writ petitions certainly expose the grievance of the petitioner that the private respondents 4 to 17 can not be equated to them by counting their past services rendered in the lower post /grade and for that above reasons the impugned Govt. order is set aside.

(11)

Implication perceived by the PAJANCOA & R.I. Karaikal consequent on the setting aside of G.O.Ms.No.22/Ag dated 10.10.2005 of the Chief Secretariat (Agriculture) Puducherry.

28. At the time of personal interview held on 31.08.2006 under the career Advancement Scheme (CAS in short), the eligibility of 17 years of qualifying service of Associate Professors, who were covered in terms of the G.O.Ms.No.22/Ag dated 10.10.2005 of the Chief Secretariat (Agriculture), Puducherry and promoted as Professor were reckoned their services Assistant Professor, Associate Professor in PAJANCOA & R.I. Karaikal alongwith the past services of Agricultural Officers rendered in the Agriculture Department, Puducherry. At the time of interview, only three Associate Professors were qualified for the post of professor without the implementation of the G.O.Ms.No.22/Ag dated 10.10.2005 of Chief Secretariat (Agriculture), Puducherry as detailed below:

Sl. No	Name	Date of entry in PAJANCOA	Date of eligibility for the posts of professor as per ICAR/ RR
1.	Dr. Omar Hattab	03.05.88	03.05.2005
2.	Dr. R.Govindarasu	11.08.88	11.08.2005
3.	Dr. J. Rammohan	17.04.89	17.04.2006
4.	Dr. G. Mohamed Yassin	15.11.89	15.11.2006
5.	Dr. C. Rettinassabady	01.11.89	01.11.2006
6.	Dr. A. Shaik Allaudin	04.12.89	23.03.2008*
7.	Dr. K. Madiathagan	06.07.90	06.07.2007
8.	Dr.S.Muthukumarasamy	14.09.90	14.09.2007
9.	Dr. P. Pandian	30.09.91	30.09.2008
10.	Dr. S. Thirumeni	11.03.93	11.03.2010
11.	Dr. D. Adiroubane	5.11.90	05.11.2007

E.O.L and Overstayal of leave from 15.04.04 to 2.08.2005 were not reckoned.

29. But they were promoted provisionally subject to the outcome of the Writ Petitions Nos.5219/2006 and 6336/2006 pending in the High Court of Jurisdiction, Chennai. The incumbents Sl.No.1 to 10 have been fixed the minimum pay of the pay of Rs.16400/- in the scale of pay of Rs.16400-450-20400-500-22400/- w.e.f., 1.09.2006 Sl.No.11, Dr. D. Adiroubane was re-assessed and promotion as Professor in the DPC held on 28.02.2008.

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30. Therefore, the provisional promotion orders issued to them have to be revoked and they have to be reverted to their lower post viz., Associate Professor. The pay and allowances have to be regulated accordingly and the over payment of the pay and allowances made them have to be recovered and this can be done by adjusting the same against the payment of arrears on the revised pay on the implementation of the recommendations of Sixth Central Pay Commission.

31. Further, while evaluating the Associate Professors in the Personal Interview held on 31.08.2009 and 28.02.2009 for promotion to the posts of Professors, 1.5 marks per year to the maximum of 15 marks out of 100 were allotted to the Associate Professors who are possessing over and above of 17 years of qualifying years for the post of Professor which were arrived both the services of PAJANCOA & R.I. and the Agricultural Department . Therefore, the evaluation of candidates are to be re-assessed without the past services of the Individual.

32. Before, initiating action for their reversion to the lower post, regulation of pay and recovery/adjustment of overpayment of pay and allowances, conduct of review DPC , the Govt. may kindly arrange to obtain the opinion of the Law Department, Puducherry as to ascertain whether the case is fit for appeal and contemplates further action to withdraw the said G.O.Ms.No.22/Ag dated 10.10.2005 of the Chief Secretariat (Agriculture), Puducherry.

33. The petitions in the case viz., Dr. P. Paramasivam, Dr. A. Baskar, Dr. V. Chellamuthu and Dr. P. Nasurudeen have filed their Memo. of Caveat petition and the same also enclosed for kind perusal. *

34. Hence, necessary opinion of the Law Department, Puducherry as to the fact whether the case is fit for appeal may kindly be arranged to be obtained or further action contemplated to withdraw the G.O. in question may kindly be communicated.

35. The file is submitted to the Secretary to Government (Agriculture) with a request to submit the file to the Chief Secretary to Government-cum-Chairman for his perusal and for further action please.

[Signature]
22/09/09
Collector-cum-Dean

OFFICE OF THE CHIEF SECRETARY
PUDUCHERRY
No. 06355
Received on 19 OCT 2009
Despatched on 20 OCT 2009

OFFICE OF THE SECRETARY
1454 A / Say / Agri / 09
No. 124
Received 24 SEP 2009
Despatched On 19/10/09

Secretary to Government (Agriculture)

[Signature]
19/10

Chief Secretary to Government/
Chairman, PAJANCOA & R.I.

[Signature]
19/10

20 OCT 2009
Current No. 334/Lt/09-17

[Signature]
Law / Secretary

[Signature]

24-10-09

from above

LAW DEPARTMENT

36. The opinion sought on file relates to answering whether the Order dated 3.4.2009 of the High Court in W.P. Nos. 5219 and 6336 of 2006 is fit for appeal.

37. At the first instance, the administrative department may be advised to kindly arrange to obtain the views of the SGP in this regard and thereafter forward the file to this department for our opinion.

[Signature]
22/10/09

[Signature]
(A. RAGOU)
DEPUTY SECRETARY (LAW)

I.D. Note No. 334/Lt/09-17
Dated 23-10-09

SECRETARY (AGRI)

38. Pl. Obtain the ~~of~~ opinion of the Advocate 7 since 13 case / SGP

[Signature]
26/11/09

Stech.
L. notes

Dean / Lt. : KKL

38. SAO ph dir
[Signature]
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Note No. 5302/05-151/08

2.12.09

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OFFICE OF THE SECRETARY	
No.	1851/Secy(Agr)/09
Received	7.12.09
Despatched On	7.12.09

40. As directed by the Secretary to Government (Agri.), the opinion of Senior Government Pleader for Government of Puducherry, High Court, Chennai has since been obtained and the same is placed at p.No.47/cores.

02/12/09
Collector-cum-Dean

Secretary to Government (Agri.)/ 41. As desired by Law

Deptt Lt para 37, the opinion of Sr. Govt. Pleader is obtained in which he has recommended for appeal in Supreme Court. Originally the some employees have filed the case in H.C and PAJANCOA as well as many other affected employees (teachers) are Respondents. So in this situation Law Deptt. should advise whether: (i) PAJANCOA should go for appeal or (ii) leave the matter to teacher - Respondents Applicants (of H.C case) to go on appeal or (iii) considering the merit of the judgement PAJANCOA should not go for appeal.

OFFICE OF THE CHIEF SECRETARY PUDUCHERRY	
07455	
7 DEC 2009	

C/S

Detoo
7/12

42. How can the Society contend that UG C guidelines do not apply in the case of PAJAN COA? The Respondent's appointees only should be treated as fresh hold.

Sh. put up urgently
M.L.A.

Sh. T.N. SAE ph dmm
02/12/09

45. The Government of Puducherry has issued a Government Order vide G.O.M.S.No.22/Ag. dated 10.10.2005 of the Chief Secretariat (Agriculture), Puducherry.
46. Aggrieved by it, 4 Professors working in PAJANCOA&RI, Karaikal approached the Hon'ble High Court of Chennai vide Writ Petitions No.5219 and 6336 of 2006 and the Hon'ble High Court has ^{set}~~set~~ aside the said G.O.Ms.No.22/Ag.
47. The respondents in these two writ petitions were not only the Chief Secretary to Government, the Dean, PAJANCOA&RI, but also 14 other faculty members working in PAJANCOA&RI whom the petitioners claimed were unduly benefited because of the impugned G.O.
48. The main contentions of the petitioners are as follows:
 - (a) The respondents were earlier working as Agricultural Officers in the Department of Agriculture under the Government of Puducherry which is Group 'C' post, carrying a lower scale of pay when compared to the post of Assistant Professor, which is classified as Group 'A' category of post carrying higher scale of pay.
 - (b) For the appointment of Agricultural Officer, the minimum qualification is B.Sc.,(Agri.), whereas for the post of Assistant Professor the minimum qualification is Post Graduation i.e., M.Sc.,(Agri.)
 - (c) The respondents were deputed to the PAJANCOA&RI, Karaikal on different dates between 1988 and 1993 to serve as Assistant Professor on temporary basis and were subsequently absorbed and their services were regularized as Assistant

Professor on permanent basis by an order from their date of deputation.

(d) The petitioners also contended that the respondents had given an undertaking, stating that they would not claim the benefit of past service put in by them in the Agricultural Department.

(e) The petitioners also contended that the Institute is governed by rules and regulations framed by UGC.

(f) They also contended that if the impugned G.O. is implemented, some of the persons taken from the Agricultural Department would march ahead of the petitioners in seniority who were directly recruited in the Institutions.

49. The Union Territory of Puducherry in their counter Affidavit have submitted the following contentions:

i) The PAJANCOA&RI, Karaikal is a society registered under the Central Societies Registration Act and it is governed by the Governing Body and the rules and regulations framed by them.

ii) The Government of Puducherry further submitted (*vide* para 23 of the High Court Order) that the University Grants Commission (UGC) norms is not applicable to the PAJANCOA&RI, whereas in all the recruitments and career advancement schemes the UGC norms is followed in total, pay and other benefits were also fixed as per UGC norms. They also contended that the Tamil Nadu Agricultural University norms is being followed for the case of counting of past services. These contentions have also been set away by the Hon'ble High Court.

50. The Tamil Nadu Agricultural University has also counted the past services of the faculty members who had worked in the Agricultural Department as a one time measure because of the fact that after the University was started, research work was continued both by Professors of the University and of the Research Wing of the Agricultural Department of Tamil Nadu. As there was duplication of work in the field of research by the University as well as by the Research wing of the Agricultural Department, it was decided, as a one time measure, to merge the Research Wing of the Agricultural Department with the University. But in the case of PAJANCOA&RI faculty members, the Agricultural Officers have performed only the Extension activities.
51. The decision to merge the Research Wing of the Agricultural Department with the Tamil Nadu Agricultural University was made when the UGC norms regarding absorption were non exist whereas at the time of issue of the impugned G.O.Ms.No.22/Ag. Dated 10.10.2005 by the Government of Puducherry, the UGC guidelines and norms for counting of past services came in existence wherein it has been specifically stated that previous service without any break as Assistant Professor or equivalent in a University, College etc., should alone be counted for placement of Lecturer in senior scale or selection grade provided the post was in equivalent grade / scale of pay as the post of lecturer and that the qualification for the post were not lower than the qualification prescribed the UGC from the post of Assistant Professor. The UGC guidelines also state that for promotion from the post of Associate Professor to the post of Professor, only if they possess a minimum experience of eight years as Associate Professor or a total service of 17 years in the college or in the University. In the above case, the respondents 4 to 17 have not completed either of the two.

52. The UGC guidelines also states^{that} if the appointment is made to a post in a higher grade then such appointment, whether by direct recruitment or by transfer or initially on deputation followed by absorption will be treated as direct recruitment and past service/ promotion which was in a different scale will not be counted.
53. The Court has also taken note that the respondent college has rejected the request of one Dr.T.Ganapathy, for consideration of his past services as Agricultural Officer for the purpose of promotion and also a letter dated 18.09.2003 from the Dean of the respondent institution that the counting of past services has been decided against them citing decision taken earlier in the case of Dr.T.Ganapathy.
54. The Court has also noted the per contra submission of the learned counsel of the respondents that TNAU is following the UGC norms which are very much applicable to the PAJANCOA&RI.
55. The court has noted that the Chief Secretary-cum-Chairman in a earlier file has noted that "we have to go by the yardsticks fixed by UGC/ICAR. It has been explained already that their cases do not fit the conditions prescribed 'D' above. This need not be examined in FD. We may ask the Dean to give a detailed explanation reply to the Association".
56. But in the G.O.Ms.No.22/Ag, there is absolutely no reference to the subsequent developments, (i.e.) issuance of UGC guidelines for implementation of ACPS and the specific Note of the Chief Secretary and Chairman of the Committee, dated 09.09.2003, referred to in the letter of the Dean, PAJANCOA&RI, Karaikal dated 18.09.2003.

57. The Court has also noted that the impugned order is also silent about the decision of the XXXII meeting of the Governing Body held on 04.04.2003 and the subsequent communications, dated 18.09.2003 and 19.07.2004 of the Chief Secretary and Chairman of the Committee.
58. The Court has also noted that the proposals have been directed to be sent to Administrative Secretariat for scrutiny and that the Chief Secretariat ought to have been examined as to whether the proposal has the sanction of the Governing Body in the light of UGC/ICAR norms.
59. The Court also noted that if the services rendered by the respondent have to be considered for the ACPS for the purpose of fixation of pay, promotion and seniority, then it would be amounting to treating the services rendered in the lower scale of pay / grade (Agricultural Officer), is equivalent to the services rendered in higher scale of pay / grade (Assistant Professor) which means, treating the unequal as equals in the matter of seniority.
60. The file has already been submitted to the Law Department for opinion which ask^{ed} to obtain the views of the Senior Government Pleader as to whether this is a fit case for the appeal. The Senior Government Pleader has opined that the case is fit for appeal.
61. Further, on a close perusal of the High Court order dated 03.04.2009, which is very elaborate and detailed, the Government of Puducherry need not go on appeal but to leave to the respondent 4 to 17 to decide on future course of action at their level.
62. The said G.O Ms.No.22/Ag. dated 10.10.2005 of the Chief Secretariat (Agriculture), Puducherry has to be cancelled, the

consequential benefits already acquired by the private respondents 4 to 17 due to the impugned G.O. has to be cancelled, the monetary and other benefits reworked and recovered from them.

63. The file is submitted for orders,

i) whether the Government of Puducherry should go on appeal against the Hon'ble High Court Order in the light of the opinion given by the Senior Government Pleader.

ii) whether the Government can implement the orders of the Hon'ble High Court Order and leave it to respondents 4 to 17 to decide the future course of action at their level.

OFFICE OF THE CHIEF SECRETARY	
No.	07313
Received	30 DEC 2009
Despatched	4 JAN 2010

No. 5302/PS-1/E
BPA/08 dt. 23.12.09

64. In case the Government decides to implement the Orders of the Hon'ble High Court for setting aside G.O.Ms.No.22, the benefits that were given to respondents 4 to 17 needs to be reworked and recovered from them.

(Dr. N. VASANTHA KUMAR, I.A.S.,)
COLLECTOR-CUM-DEAN.

OFFICE OF THE SECRETARY	
No.	1984/Secy Agri/09
Received	29 DEC 2009
Despatched On	30/12/09

SECRETARY (AGRICULTURE)

65. My remarks at 14/N may kindly be seen. Dean's remark at para 61 is self explanatory. The Underigned is of view that Govt./~~stand~~ PAJANCOA should not go for ~~at~~ appeals and the Resps. No. 4 to 17 are free to go to next higher court if they so desire. May pt. decide. Law Dept's opinion may be sought in this regard.

CS/Chairman (66) What is Gp's opinion on 29/12 Court's observations referred to in para 59 in preface? How can ~~be~~ ~~legally~~ ~~contested~~? In case Gp

is able to give a sound defence then we
may go on for appeal. Otherwise, send over X on paper

hd sl

31/12

Sey (Agt)

Debar
5/1

7913/CS/09

4/1/10

Debar/CA.
(PASANCOA)

SAO
08/01/10

OFFICE OF THE SECRETARY	
No. 1984	Secy Agri. 09
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OFFICE OF THE DEAN PAJANCOA & RI, KARAIKAL	
Current No:	
File No:	2435/PJN/E
Date of Receipt:	08.01.10
Date of Discharge:	

From Page

PANDIT JAWAHARLAL NEHRU COLLEGE OF AGRICULTURE AND
RESEARCH INSTITUTE, SERUMAVILANGAI, KARAİKAL.

No:5298/PJN/E.tt/E1/2010

Dt.9-7-2010

CE OF THE SECRETARY

Sub: PAJANCOA – Karaikal – Operation of Impunged G.O.
M.S.No.22, dt.10-10-2005 set aside – Increment not
granted – Reg.

1310/serg/08/16

Received on 2 JUL 2010

Dispatched on 14 JUL 2010

67 This file relates to the representation of the following staff members of PAJANCOA & RI, Karaikal regarding not granting of annual increment from 1-7-2009.

1. Dr. K. Omar Hattab, Professor ✓
2. Dr. D. Adiroubane, Professor ✓
3. Dr. R. Govindarasu, Professor ✓
4. Dr. J. Rammohan, Professor ✓
5. Dr. A. Shaik Alauddin, Professor ✓
6. Dr. S. Muthukumarasamy, Professor ✓
7. Dr. K. Mathiazhagan, Professor ✓
8. Dr. P. Pandian, Professor ✓

68 In this regard it is stated that the above staff members were the Respondents in the Writ Petition of W.P. Nos. 5219 and 6336 of 2006 filed in the Hon'ble High Court, Chennai. The Hon'ble High court, Chennai, has stated in its order dt.30-4-2009 that the Chief Secretary to Govt. and the PAJANCOA & RI, Karaikal (Respondent 1 and 2) have to necessarily fall back on UGC norms for counting of past services rendered in other departments for the purpose of career advancement, promotion and seniority.

69 The respondents 4 to 17 were already promoted to the post of Professor by counting the past services as 'Agriculture Officer' in Agriculture Department, Puducherry as per G.O.Ms.22, dt.10-10-2005 and therefore the impunged G.O.Ms.No22 is set aside by the Hon'ble High Court, Chennai. But the respondents 4 to 17 have not been reverted to their original post as per the court order dt.30.4.2009 since they appealed the Hon'ble High Court to hold the operation of order. This interium stay order dt.17-3-2010 is subject to any objection of UGC as regards the conformity of the impunged G.O. with UGC Norms and the UGC ought to have been included in this case as party by the respondent 1 and 2. At present this file is at the hands of Govt. pleader, Chennai.

70 Meanwhile the 5th respondent Dr. D. Adiroubane, Professor (Agri. Entomology) of PAJANCOA & RI, Karaikal has sought for information under RTI Act 2005 about the copy of the decision taken for not sanctioning the annual increment which is similar to the requests of the above said staff. The APIO, PAJANCOA & RI, Karaikal has furnished a copy of the notings of the then Dean on the requisition of Dr. D. Adiroubane, Professor wherein it is stated that "only the operation of Hon'ble High Court Order is stayed and valid G.O.Ms.No.22 has not been upheld". A copy of the notings of the then Dean is enclosed herewith for information.

71.

5. Therefore it is stated that until the case file is cleared by the Hon'ble High Court, neither the increment to the respondents 4 to 17 can be given nor the judgement of setting aside of the G.O.Ms No.22, dt 10-10-2005 can be implemented by reversion of post to the original position and recovery of pay from them. The requests of the above said staff members addressed to Chief Secretary to Govt. for granting annual increment are placed herewith for favour of kind information.

OFFICE OF THE SECRET

No: 1310/Secy/E

Received 31- AUG-21

Despatched on 11-8/10

AR *[Signature]*
DEAN $\frac{1}{2}$

Secretary (Agriculture)

Chief Secretary-cum-Chairman
PAJANCOA & RI (Society)

72. Many discuss alongwith can details
and copy of use norms for counting
of past services rendered in various
departments. + G.O. Ms No 22.

13.7.10

Dean I/C

PAJANCOA

Kavai

SAO $\frac{1}{2}$ P/

16/10/10

73. As directed in para. 6/ante by the Secretary (Agr) Pudukkottai, the case file in connection with WP 5219 and 6336 of 2006 is placed herewith for favour of dismission.

AR *[Signature]*
Dean $\frac{1}{2}$

Secretary (Agriculture)

74. Dismissed
and file submitted

WILL Secretary (Agriculture) on 03-08-10

AR *[Signature]*
02/08/10Dean $\frac{1}{2}$ 44950
11/8/10

Secretary (Agriculture) P. L. ...

10/8/10

A.4.4

(from pre-page)

CHIEF SECTT. (AGRI. & FORESTS)

76. The proposal in the file relates to representations received for granting of annual increments from 01.07.2009 to Dr.K.Omar Hattab, Professor and 7 other Professors of PAJANCOA & RI, Karaikal who are Respondents in WP 5219 and 6336/2006 filed in the Hon'ble High Court, Chennai.

77. Notings of the Dean, PAJANCOA&RI, Karaikal from para 67 to 71/nf. and observation of the Secretary to Govt. (Agri.) thereunder may please be seen.

78. It is seen from the file that the Professors as mentioned at para 67/nf. were the respondents in the Writ Petition of W.P.No.5219 and 6336 of 2006 filed in the Hon'ble High Court, Chennai. The High Court, Chennai has stated in its order dt.03.04.2009 that the Chief Secretary to Govt. and the PAJANCOA & RI, Karaikal (Respondents 1 and 2) have to necessarily fell back on UGC norms for counting of past services rendered in other departments for the purpose of career advancement, promotion and seniority. It has also been stated the respondents 4 to 17 were already promoted to the post of Professor by counting the past services as "Agricultural Officer" in Agriculture Department, Puducherry as per G.O.Ms.No.22 dt. 10.10.2005 and therefore the impunged G.O.Ms.No.22 is set aside by the Hon'ble High Court, Chennai. But they have not been reverted to their original post as per the above order dt. 03.04.2009 since they appealed the Hon'ble High Court (civil appellate jurisdiction) to hold the operation of Order. This interim stay order dt. 17.03.2010 is subject to any objection of UGC as regards the conformity of the impunged G.O.with UGC norms and the UGC ought to have been included in this case as party by the respondent 1 and 2.

79. It has been stated that meanwhile the 5th Respondent viz. Dr.D.Adiroubane, Professor (Agri. Entomology) of PAJANCOA & RI, Karaikal has sought for information under RTI Act 2005 about the copy of the decision taken for not sanctioning the annual increment which is similar to the requests of the above said staff. The Asst.P.I.O, PAJANCOA & RI has furnished a copy of the notings of the then Dean on the requisition of Dr.A.Adiroubane wherein it is stated that "only the operation of the Hon'ble High Court order is stayed and validity of G.O.Ms.No.22 has not been upheld".

80. The Secretary to Govt. (Agri.) has made discussion with the Dean along with the case file and UGC norms in connection with WP 5219 and 6336 of 2006 and the institution has submitted for orders as to whether the requests of the staff members for granting annual increment may be considered since until the case is cleared by the Hon'ble High Court, neither the increment to the respondent 4 to 17 can be given nor the judgement of setting aside of the G.O.Ms.No.22 dt. 10.10.2005 can be implemented by reversion of post to the original position and recovery of pay from them.

Flag (A) P.28/cor ~ P.36/cor.

✓ Flag (B)

P.55-61/cor

(from pre-page)

81. Before the file is submitted to the Chief Secretary for orders, the file may be referred to the Law Department for their opinion through the Special Secretary (Agriculture).

OFFICE OF THE SECRETARY	
No. 2064	Secy/Agri/10
Received	2 NOV 2010
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SKM
1/11/10

U.S. (Agri.)

1/11/10

Spl. Sec. (Agri.)

1/11/10

Law Dept

ED No. 44950/CSLA 7/11/10
dt. 1.11.10

Law Dept

Tmt 5/11/10
3/11/10

LAW DEPARTMENT PO BOX 9999	
Received on	2 NOV 2010
Current No.	281/Adv 10-10

(from pre-page)

LAW DEPARTMENT

82. The advice sought on file relates to granting or not, the annual increments from 1.7.2009 onwards to Dr.K.Omar Kattah, Professor and 7 others of PAJANCOA & RI, Karaikal, who are the respondents in W.P.Nos.5219 & 6336 of 2006 filed before the Hon'ble High Court at Chennai. We are sorry that this file got mixed up with old files and could not be traced out earlier.

83. The gist of case is that the petitioner in the above mentioned W.P.No.5219 of 2006 is working as Professor and Head of the Department of Plant Breeding Genetic in PAJANCOA & RI and the petitioners in W.P.Nos.6336 of 2006 are working as Professor and Head of the Department of Agronomy, Soil Science and Agricultural Chemistry and Agricultural Economics and Extension in the above said Institute. It is noted that the petitioners were earlier working as Associate Professors in Tamil Nadu Agricultural University with Doctorate Degrees. On the other hand, the respondents 4 to 17 in both the above mentioned W.Ps. were earlier working as Agricultural Officers in the Department of Agriculture, Puducherry, which is a Group 'C' post in which carried a lesser scale of pay when compared to the post of Assistant Professor, which was classified as Group 'A' post carrying higher scale of pay. The respondents were drawn on deputation to serve as Assistant Professors and they were subsequently absorbed and their services were regularised as Assistant Professors on permanent basis by an order dated 2.8.1999 with retrospective effect from the date of their deputation to the respondent institution.

84. It is observed further that G.O.Ms.No.22 dated 10.10.2005 was issued by the Agriculture Department, for counting of past services rendered in Agriculture Department by the 14 Agricultural Officers deputed from Agriculture Department, Puducherry and absorbed as Assistant Professors, for considering them for benefits under Career Advancement Scheme, subject to the fulfilment of Assured Career Advancement Scheme. This was stated to be against UGC norms which provided for taking into account the basic years of service in the feeder category. However it was countenanced by the Administrative Department that, UGC norms will have no application to the Institution in as much as the Indian Council of Agricultural Research

(from pre-page)

has in consideration of the UGC regulations framed its own rules and regulations and made them applicable to all the Agricultural Colleges and Research Institutes all over India and PAJANCOA & RI being one such college and Research Institute affiliated to TNAU, need not conform to UGC norms. However, the High Court has allowed the prayer of the petitioners in the above mentioned W.Ps., observing that, 'this court is of the view that the impugned order is contrary to the norms prescribed by UGC norms, the practice being followed as on today in Tamil Nadu Agricultural Universities after 1999 (after the introduction of UGC norms). Accordingly the impugned G.O. has been set aside.'

85. Thereafter, the respondents in the above W.Ps., filed appeal before the Hon'ble High Court of Judicature, Madras by way of W.A.Nos.1467 & 1468 of 2009 challenging the above said Order in W.P.Nos.5219 & 6336 of 2006. The High Court vide Interim Order dated 17.3.2010 in the above said Writ Appeals has ordered as follows:-

".....Interim stay subject to any objection of the University Grants Commission as regards the conformity of the impugned G.O. with the U.G.C. norms. The pleading in the Writ Petition is that the G.O. is contrary to UGC norms. Then, UGC ought to have been made as party by first respondent/ writ petitioner, so that we can hear the UGC's views in this regard and if the UGC expresses its opinion before us that the impugned G.O. does not in any way, violate their norms, then the writ petitioners can have no grievance...."

86. It is at this instance, that the file has been referred to this department seeking advice as to whether the requests of the staff members for granting annual increment may be considered since until the case is cleared by the Hon'ble High Court, neither the increment to the respondents 4 to 17 can be given nor the judgement of setting aside of the G.O.Ms.No.22 dated 10.10.2005 can be implemented.

87. In this context, it is observed that the High Court has already impleaded UGC as party in the Writ Appeal and has also stayed the Order dated 3.4.2009 of the High Court in W.P.Nos.5219 & 6336 of 2006. In the said circumstance, the G.O.Ms.No.22 dated 10.10.2005 is deemed to be effective and in such view of the matter, the Writ Appellants may be allowed the increments in the time scale of pay in posts held by him.

(from pre-page)

88. However, by way of abundant caution, the administrative department may sanction the increments with a rider that the increments sanctioned to the above said appellants would be subjected to the outcome of the Writ Appeal pending before the High Court and shall be liable to be recovered from their future pay and other benefits accruing to them, if the appeal is not decided in their favour.

281/Adv/10. LD
7/9/12

J. J. 11. 3. 4. 12
(JOHN CLAUDE POMPEI MARIDASSOU)
LAW SECRETARY TO GOVERNMENT

OFFICE OF THE SECRETARY	
AGRICULTURE (WELFARE, FIRE SERVICE)	
CHIEF SECRETARY, PUDUCHERRY.	
840 / PA	
Received on	7/09/12
Dispatched on	07/09/12

Secretary (Agri)

89. May like to see for information please. file was referred to the Law Department in 2010 and its opinion has been received in September 2012. Advice of Law Department need to be examined in backdrop of development of this case in High Court in those years.

OFFICE OF THE CHIEF SECRETARY	
PUDUCHERRY	
5201	
10 SEP 2012	

40/Secy (Agri) 112
11/09/12

90. The case has been decided in the High Court & further taken up with Supreme Court. Always some of the Asst. Professors, who are respondents are also likely to retire shortly. In which case, recovery of excess payment, if any, may become difficult. Dean may re-examine & put up.

Sec (Agri)

Dean

Yany
11/05/12

10/9/2012

17.9.12

From pre-page No.28 /-

No.5302/PJN/E1/Estt./2012

Date: 26.12.2012

A

91. This file relates to the 14 Agricultural Officers whose past services as Agricultural Officers in the Department of Agriculture, Govt. of Puducherry was counted for promotion to the post of Professors at PAJANCOA&RI by the impugned G.O.Ms.No.22/Ag. Dated 10.10.2005. Out of the 14 Agricultural Officers, only ten of them were promoted as Professors (herein after called as G.O.Professors).

B

92. The said G.O.Ms.No.22/Ag. dated 10.10.2005 was challenged by the aggrieved directly recruited Professors (hereinafter called as Direct Professors) in the High Court of Madras through W.P.No.5219 & 6336 of 2006, as they will become juniors to the G.O.Professors who were promoted by counting their past services in the Dept. of Agriculture by implementing the said G.O.

C

93. The judgment on the above Writ Petitions of the Single Judge dated 30.04.2009 had set aside the G.O.Ms. No.22/Ag. dated 10.10.2005.

D

94. As a first step in implementing the judgment, the then Collector-cum-Dean, PAJANCOA&RI, Karaikal withheld the annual increment of the G.O.Professors with effect from 01.07.2009 till their promotion is regularized. However, the G.O.Professors were not reverted back to their original post of Associate Professor.

E

95. Subsequently, the G.O.Professors challenged the judgment of the single Judge through Writ Appeals No.1467 & 1468 / 2009 dated 17.03.2010. This writ Appeals were taken up by the two member - Division Bench of High Court of Madras.

F

96. The two member - Division Bench gave an interim order of stay of the operation of the judgment dated 30.04.2009 of the Single Judge in W.P.No.6336/2006, vide its order dated 26th March 2010.

G

97. Based on the above interim order of stay dated 26.03.2010, the G.O.Professors requested for grant of annual increments which was withheld with effect from 01.07.2009.

98. But the then Collector-cum-Dean, PAJANCOA&RI, Karaikal did not consider their request stating that "the G.O.Ms.No.22/Ag. is not in force as only the Honorable Court Order has been stayed. Let us wait for the final outcome". Therefore the withheld of increments were not revoked and the status quo is being continued till date.

99. The then Dean submitted a file (No.5298/PJN/Estt/E1/2010, dated 09.07.2010) to the Chief Secretary and Chairperson, stating that "only the operation of the Hon'ble High Court Order is stayed and validity of G.O. Ms.22 has not been upheld" and hence the annual increment to the G.O.Professors can not be given till the final judgment is pronounced (para 67 to 71 / ante - P.No.22 & 23).

This file was referred to the Law Department for clarification / opinion regarding grant of annual increment to the G.O.Professors through the Special Secretary to the Govt.(Agriculture), as early as 2.11.2010 (para 80 and 81 / ante.).

100. In the mean time, the stay was vacated by the Direct Professors and the case in W.A.No.1467 and 1468 of 2009 of the G.O.Professors was taken up by the two member - Division Bench and final judgment was pronounced on 12th September 2011, dismissing the Writ Appeals of G.O.Professors and setting aside the G.O.Ms.No.22/Ag., by upholding the judgment dated 30.04.2009 of the single judge. [M]

101. The Law Department gave its opinion on 30.4.2012 in the file and the file was put up from the Law Department to the Secretary (Agriculture) on 07.09.2012 (Para 88 / ante). The Law Department advised to sanction annual increment, subject to the outcome of the Writ Appeal pending before the High Court.

102. The opinion of the Law Department could not be considered at present because the final judgment of the Division Bench was pronounced as early as 12th September 2011 (nearly two years before the opinion of Law Department is obtained).

103. The observations of the Secretary (Agriculture) and the notings of the Chief Secretary and Chairman (Para 89&90 /ante.) may please be perused. Their observation is very pertinent in respect of not grant of increment as there was lot of developments in the mean time.

104. Out of ten G.O.Professors, who enjoyed the benefit of G.O.Ms.No.22, only seven G.O.Professors appealed against the judgment dated 12.09.2011 of the two member - Division Bench of High Court of Madras on 19.11.2011 at the Supreme Court of India through a petition for Special Leave to Appeal(civil) No.33338-33339 of 2011. [I]

105. The Hon'ble Supreme Court of India passed an interim order "to maintain the status quo". It means, the status before the special Leave petition has to be maintained. That is the operation of the judgment of the Division Bench alone is stayed and the validity of G.O.Ms.No.22/Ag. Dated 10.10.2005 ^{has not been} upheld. Therefore the annual increment that was withheld with effect from 01.07.2009, based on the judgment of Single Judge in W.P.No.5219 & 6336 / 2009 is still continued. [J]

106. Subsequently, the whole spectrum of the cases related to the G.O.Ms.No.22/ Ag. dated 10.10.2005 was placed by the Dean in the 40th meeting of the Governing Body of PAJANCOA (Karaikal) Society held on 16.02.2012 as agenda item No.20: Any other item (Table Agenda). After a detailed discussion, the Governing Body directed the Dean, *PAJANCOA&RI to wait for the outcome of the final judgment of the Hon'ble Supreme Court of India. Till date, the case is pending at the Supreme Court of India. [K]

107. Therefore, the grant of annual increment to the G.O. Professors has to be decided taking into account of the developments after the increments were withheld with effect from 01.07.2009.

108. In the mean time, one of the G.O. Professors by name, Dr.D.Adiroubane, Professor of Agricultural Entomology, PAJANCOA&RI had retired on 31.08.2012 on superannuation.

109. In anticipation of the superannuation of Dr.D.Adiroubane on 31.08.2012, in the light of the pending case at the Supreme Court of India and the Audit objections against his promotion to the post of Professor based on G.O.Ms.No.22, the Dean submitted a file to the Chief Secretary and Chairman for withholding a sum of Rs.3,47,263/- (Rupees three lakhs forty seven thousand two hundred and sixty three only) from the earned leave encashment due for Dr.D.Adiroubane. The withholding of the above sum was done, as there is not other source to recover the excess amount paid, in case the judgment of the Supreme Court is not in his favour. Moreover, excess payment could not be recovered after superannuation, as there was no provision for pension to Dr.D.Adiroubane at PAJANCOA&RI.

110. The file is submitted to the Chief Secretary and Chairman through the Secretary (Agriculture) requesting for a direction whether to grant the annual increment or not to the G.O. Professors, in the light of the developments in the case related to the G.O.Ms. No.22/Ag. dated 10.10.2005.

OFFICE OF THE DEAN
PAJANCOA & RI, KARAIKAL

Current No: 5302 / P J N / E I /
File No: Estt. / 2012, dt
Date of Receipt: 26-12-12
Date of Disposal: 26-12-12

OFFICE OF THE SECRETARY
PUDUCHERRY

1982 / P J N
27/12/12
28/12/12

OFFICE OF THE CHIEF SECRETARY
PUDUCHERRY

* 7306

Received on: 28-12-2012

1982 / Sec (Agri) / In
21/12/12

CHIEF SECRETARY AND CHAIRPERSON
PAJANCOA (KARAIKAL) SOCIETY.

Sec (Agri) / In
Dean / In
30/12/2012
31.12.12
4.1.13

iii. We may wait for the decision of Honble Supreme court. Division bench of Honble High court has also set aside the appeal of 60 Professors. Honble Supreme court has stayed the operation of Honble High court order and validly G.O Ms 22 has not been upheld.

DEAN. 26.12.12

Sub pl.

From pre-page No.31 / -

No.5302/PJN/E1/Estt./2012.

Date:10.04.2013.

112. This file relates to the request / representation of G.O.Professors (Professors promoted based on G.O.Ms.No.22, dated 10.10.2005 which was challenged by the directly recruited Professors) for the grant of annual increments which was withheld w.e.f.01.07.2009.

113. The G.O.Professors were repeatedly representing for the grant of annual increments and also they have been asking whether the permission of competent authority was obtained for the stoppage of their annual increment w.e.f.1.7.2009.

114. Hence, it was decided to communicate the decision of the Secretary (Agriculture) as approved by the Chief Secretary - cum - Chairperson, PAJANCOA (Karaikal) Society (para111 / ante). Accordingly the Dean had communicated the same to the G.O.Professors *vide* Memorandum No.PJN/Estt./E1/Increment/2012-13, dated 06.03.2013 of the Dean, PAJANCOA&RI, Karaikal.

115. The following G.O.Professors have again submitted their representation dated 22.03.2013 to the Dean with advance copy submitted to the Chief Secretary - cum - Chairperson, PAJANCOA (Karaikal) Society for the grant of annual increment by quoting the CCS Rules, which are now being forwarded by the Dean, PAJANCOA&RI with details as given below:

1. Dr.K.Omar Hattab, Professor (Soil Science & Ag.Chemistry)
2. Dr.S.Muthukumarasamy, Professor(Ag.Micro.)
3. Dr.R.Govindarasu, Professor(Plant Breeding & Genetics)
4. Dr.P.Pandian, Professor (Seed Technology)
5. Dr.J.Rammohan, Professor (Agronomy)

116. It is also submitted that the advance copy of representations submitted to the Chief Secretary - cum - Chairpersons by the G.O. Professors have been forwarded by the Under Secretary to Govt.(Agri.& Forests) to the Dean, PAJANCOA&RI, Karaikal for necessary action.

117. The above five G.O.Professors have stated that as per CCS Rules, the increments ordinarily should not be withheld except in case of statutory punishments and disciplinary action. This argument may be logical as far as the normal case is concerned. But in their case, their promotion based on G.O.Ms.No.22 was set aside by two judgements (single Judge and Division Bench) of High Court of Madras and now their case is in appeal at the Hon'ble Supreme Court of India. Only after considering all these developments, a decision was taken already that "we may wait for the decision of the Hon'ble Supreme Court" (para 111 / ante.)

**CHRONOLOGY OF EVENTS OF WRIT PETITIONS, WRIT APPEALS AND JUDGEMENTS WITH REFERENCE TO G.O.MS.NO.22
BASED ON WHICH PROMOTION WAS GIVEN TO SOME OF THE PROFESSORS BY COUNTING THEIR
PAST SERVICE AS AGRICULTURAL OFFICERS IN THE DEPARTMENT OF AGRICULTURE**

	Date of Judgement/Appeal	W.P./W.A./SLP	REMARKS
1.	30 th April 2009	W.P.No.5219 & 6336 of 2006 dt. No. /Ag.	Some of the Associate Professors were promoted as Professors (hereinafter called G.O.Professors) based on the G.O.Ms.No.22/Ag. by counting their past services in the Department of Agriculture, as Agricultural Officers. The G.O.Ms.No.22/Ag. dated 10.10.2005 was challenged by the directly recruited Professors in the year 2006 and judgment dated 30 th April 2009 of the single judge of High Court of Madras was given in favour of directly recruited Professor by setting aside the said G.O.
2	1 st July 2009	-	As a first step in implementing the judgment, the increment was withheld w.e.f. 1.7.2009 by the then Collector-cum-Deari of PAJANCOA&RI for all the G.O.Professors who were promoted based on the G.O.Ms.No.22/Ag. However, they have not been reverted back to their original post of Associate Professor as per the judgment.
3	17 th March 2010	M.P.No.1 of 2009 in WA.1467/2009 and MPNo.2 of 2009 in WA.1468/2009 dated 17.03.2010.	The G.O.Professors who got the benefit of G.O.Ms.No.22/Ag filed a Writ Appeal on 17 th March 2010 against the judgment dated 30 th April 2009 of Single Judge of High Court of Madras. The Hon'ble High Court was pleased to give an interim stay of the operation of the order dated 30.04.2009 in the W.P.NO.6336/2006 (in MP.NO.2/2009 in W.A.No.1468/2009), subject to any objection of the UGC as regards the conformity of the impugned G.O. with the UGC norms, since the pleading in the writ petition is that the G.O.is contrary to UGC norms.
4.	26 th March 2010	-	Based on the interim order of stay dated 17 th March 2010, the G.O.Professors were requesting for grant of annual increment which was withheld w.e.f. 01.07.2009 as per the judgment dated 30 th April 2009 of the Single Judge.

continued..

			But the then Collector-cum-Dean, PAJANCOA&RI did not consider their request for grant of annual increment w.e.f. 1.7.2009 stating that "The G.O.Ms.No.22 is not in force as only the Hon'ble Court order has been stayed. Let us wait for the final outcome". Therefore the annual increment was not granted to the G.O.Professors promoted based on the G.O.Ms.No.22/Ag.
5.	9 th July 2010		The Dean submitted a file (No.5298/PJN/Estt./E1/2010 dated 9.7.2010) to the Chief Secretary and Chairman, stating that "only the operation of the Hon'ble High Court Order is stayed and validity of G.O.Ms.No.22 has not been upheld" and hence the annual increment can not be given till the final judgment is pronounced. This file was referred to Law Department through the Under Secretary (Agriculture) and Special Secretary (Agriculture) on 02.11.2010.
6.	12 th September 2011		The writ Appeals No.1467 & 1468 of 2009 dated 17 th March 2010 filed by the G.O.Professors were dismissed by the two member – Division Bench, thus the judgment of the single Judge setting aside the G.O.Ms.No.22 was upheld.
7.	7 th September 2012		The Law Department gave its opinion on 30.04.2012 to the file submitted by the Dean on 9.7.2010 stating that "by way of abundant caution, the administrative department may sanction the increments with a rider that the increments sanctioned to the above said appellants (G.O.Professors) would be subject to the outcome of the Writ Appeal pending before the High Court and shall be liable to be recovered from their future pay and other benefits accruing to them, if the appeal is not decided in their favour". With these comments the file was put up by the Law Department to the Office of the Secretary to the Govt. (Agriculture) on 07.09.2012. The Secretary (Agriculture) observed that the advice of the Law Department need to be examined in the backdrop of developments of this case in the High Court in these years.

8.	19 th November 2011	Petitions for special leave to Appeal (Civil No.33338 & 33339 of 2011.	The G.O.Professors, appealed in the Supreme court of India against the judgment dated 12 th September 2011 of the two member - Division Bench of the High Court of Madras. The Hon'ble Supreme Court of India passed an Interim Order "to maintain the status quo"
9.	16 th February 2012	40 th Governing Body meeting of PAJANCOA&RI was held on 16.02.2012.	The whole spectrum of these cases related to G.O.Ms.No.22/Ag. was placed in the 40 th meeting of the Governing Body held on 16.02.2012, as agenda item No.20:Any other Item (Table Agenda): "To take decision on the implementation of the G.O.Ms.No.22/Ag. Dated 10.10.2005 in the light of the judgments and appeals in the High Court of Chennai and the Supreme Court of India, New Delhi". After a detailed discussion, the Governing Body directed the Dean, PAJANCOA&RI to wait for the outcome of the final judgment of Supreme Court of India in respect of petition for Special Leave to Appeal (Civil) No.33338 & 33339 of 2011 filed by the Appellant Professors. One of the G.O.Professors, by name Dr.D.Adiroubane retired on 31.08.2012 on superannuation. In anticipation of his retirement and pending case in the Supreme Court of India and the recovery to be made for the over payments if the case is not in his favour, note No.0176/PJN/Estt./E1/2012-13, dated 13.08.2012 was submitted to the Chief Secretary and Chairperson, PAJANCOA (Karaikal) Society, by the Dean to withheld a sum of Rs.3,47,263/- (Rupees three lakhs forty seven thousand two hundred and sixty three only) from the earned leave encashment due for Dr.D.Adiroubane, pending the final outcome of the case in the Supreme Court of India. The same was approved by the Secretary to the Govt. (Agriculture) as well as the Chief Secretary and Chairperson.

OFFICE OF THE DEAN
PAJANCOA & RI, KARAIKAL

Ref No: 5302/PJN/E/1
Ex 12/12, dk
Date of Receipt: 10.4.13
Date of Despatch: 11.4.13

118. The G.O. Professors in their representations also stated that "My pay for the post of Professor has not been pre-fixed by considering the previous service as claimed in the G.O." Their pay for the post of Professor was fixed only from the date of their promotion and promotion to the post of Professor was given based on G.O.Ms.No.22 by counting their past service as Agricultural Officers in the Department of Agriculture. The directly recruited Professors challenged the G.O.Ms.NO.22 for the simple reason that the past services of G.O. Professors in the Department of Agriculture should not be counted for promotion. Moreover, the two judgements of High Court of Madras clearly stated that their services at PAJANCOA&RI should be considered from the date of their regularization and not from the date of entry into PAJANCOA&RI (Para 92 of the judgement).

119. Therefore, in the light of the above points, I request that necessary direction may please be given on the representations dated 22.03.2013 of the five G.O. Professors.

OFFICE OF THE SPECIAL SECRETARY
No. 1275/88 (PWS)
Received on: 25/4/2013
Despatched on: 29/4/13

[Signature]
DEAN. 10.4.13.

OFFICE OF THE SECRETARY
CULTURE & TOURISM SERVICES
HISSE
1342/AR
Received on: 24/04/13
Despatched on: 24/04/13

SECRETARY TO GOVT. (AGRICULTURE)

120. We may refer this matter to DPA AR for advice. See p1.

OFFICE OF THE CHIEF SECRETARY
PUDUCHERRY
2147
Received on: 24 APR 2013
Despatched on: 25/4/13

No: 1342/Secy/AR/13
25/04/13.

OFFICE OF THE UNDER SECRETARY
SIT., DEAR-II (C.D.O/Exam Cell) & Tsm.,
Chennai
920/PA/DPAR-2/2013
29/4/2013

CHIEF SECRETARY - cum - CHAIRPERSON (21). Also PAJAN OA (KARAIKAL) SOCIETY.

get the opinion of the law dept. 25/4/2013

[Signature]

122. At first, DPA AR may opine on the above issue.

SSC DPA AR

[Signature]
24/04/13

[Signature]
25/04/13

39
(from pre-page)

-:34:-

**CHIEF SECRETARIAT
D.P. & A.R. / C.C.D.**

123. Pre-notes of PAJANCOA & RI, Karaikal from para 112-119/NF regarding grant of periodical increments to five Professors absorbed by deputation from Agriculture Department against the backdrop of pending case in the Supreme Court of India, may please be seen. Secretary (Agriculture) has referred this matter to this Department for advice and the Chief Secretary has ordered to obtain the opinion of Law Department also.

124. It is stated that already in another proposal in which the grant of the increment was an issue, this Department sought for certain clarifications from PAJANCOA & RI vide I.D. File No.A.48011/33/2013/DPAR/CCD(2) ✓ dated 14.05.2013 which is yet to be received. Hence, this proposal may be returned to Secretary (Agriculture) with a request to offer their views on the clarification already sought by this Department for processing further.

125. Special Secretary (Personnel) may kindly see for approval and thereafter returned to Secretary (Agriculture), please.

O/O THE SPECIAL SECRETARY

File No: 1275/Secy

Received on: 12/6/13

Despatched on: 13/6/13

OFFICE OF THE UNDER SECRETARY
(Estt., DPAR-TT C.C.D/Exam Cell & is
Chief Secretariat, Puducherry.

No: 1196/PA

Received on: 13/6/13

Despatched on:

I.D. No. A.48011/33/2013

DPAR/CCD(2), dt. 11-06-13

ccp-2
I.D. No. A.48011/33/2013

DPAR/CCD(2) dt. 13-06-13

OFFICE OF THE SECRETARY
(ADHOCARY SECRETARY - IN CHARGE)
CHIEF SECRETARIAT, PUDUCHERRY

1989/PA

13/06/13

14/06/13

11/06/13

J. Chinn

USC (CCD) J. Chinn
11/06/13

SP/Ref (P)

S. Senthil
12.6.13

U.S. Senthil - 5
13/06/13

S. Senthil
14/06/13

15.6.13

PAJANCOA & RI
KARAIKAL
dt.09.08.2016

126. This file relates to representations received from the following Professors of PAJANCOA & RI, Karaikal regarding release of withheld increments w.e.f 01.07.2009.

1. Dr. P. Pandian, Professor
2. Dr. S. Thirumeni, Professor
3. Dr. S. Muthukumarasamy, Professor
4. Dr. K. Mathiyazhagan, Professor
5. Dr. A. Shaik Alaudin, Professor
6. Dr. G. Mohammed Yassin, Professor

127. In this connection, it is submitted that the 14 Agricultural Officers, whose past services as Agricultural Officer in the Agricultural Department, Government of Puducherry was counted for promotion to the post of Professors at PAJANCOA & RI, Karaikal by G.O. Ms.No.22/AG. dt. 10.10.2005. Of them ten Associate Professors were promoted as Professors as per the G.O.Ms. No.22/Ag. dt. 10.10.2005. Whereas, the said G.O was challenged by the directly recruited Professors in the Hon'ble High Court of Madras, as they would be juniors to them, if their past services in the Department of Agriculture is taken into account.

128. The Judgment on the above challenge has set aside the G.O. Ms. No.22/Ag. dt. 10.10.2005. Following that, the then Collector-cum-Dean, PAJANCOA & RI had withheld the annual increment w.e.f.01.07.2009 until the final outcome of the verdict.

129. Subsequently, the Professors who were absorbed from the Department of Agriculture challenged the Judgment of the single judge through writ appeals No. 1467 & 1468/2009 dt. 17.03.2010. The writ appeals were taken by two members Division Bench of the Hon'ble High Court of Madras. The two member Division bench gave an interim order of stay of the operation of the judgment dt. 30.04.2009 of the single judge vide its order dt. 26.03.2010. Based on the above interim order of stay, the Professors were requesting them for grant of annual increment. In the final order, the Division Bench dismissed the writ appeals and setting aside the G.O. Ms. No.22, dt. 10.10.2005.

130. Of them, only seven Professors again appealed against the judgment dt. 12.09.2011 of the two members division Bench of Hon'ble High Court of Madras on 19.11.2011 at the Hon'ble Supreme Court of India through a petition for Special Leave to Appeal (civil) No. 33338 - 33339 of 2011.

131. The Hon'ble Supreme Court of India passed an interim order 'to maintain status quo'. It means the status before the Special Leave Petition (SLP) has to be maintained. That is the operation of the judgment of the Division Bench alone stayed and validity of G.O. Ms. No.22/Ag, dt. 10.10.2005 has not been upheld. Therefore the annual increment that was withheld with effect from 01.07.2009, based on the judgment of Single Judge in W.P.5219 & 6336/2006 is still continued.

132. Further, the whole history of the cases related to the G.O.Ms. No. 22/Ag, dt. 10.10.2005 was tabled by the Dean in the 40th Governing Body Meeting of PAJANCOA & RI held on 16.02.2012 as agenda item No.20: After a detailed discussion, the Governing Body directed the Dean, PAJANCOA & RI to wait for the outcome of the final Judgment of the Hon'ble Supreme Court of India. Till date, the case is pending with the Supreme Court of India.

133. Following that, an interim memorandum was also issued to all those ten Professors who had approached for release of withhold increments vide memorandum No.PJN/Estt/Increment/2012-13, 06.03.2013, by stating the fact that the "Chairperson directed the then Dean to wait for the decision of the Hon'ble Supreme Court of India in the case related to the validity of G.O.Ms.No.22/Ag, dt. 10.10.2005".

134. Now, the six professors whose names detailed at para 126 of n/f, are repeatedly submitting their individual representations to release the withheld increments w.e.f. 01.07.2009.

(from pre page)

135. In this plight circumstances, the file along with the representations received is submitted to the Chief Secretary to Government -cum- Chairman, PAJANCOA (Karaikal) Society, through the Secretary to Government (Agriculture), Puducherry for further direction please.

136. Submitted.

OFFICE OF THE DEAN PAJANCOA & RI KARAİKAL	
Serial No.	5302/PJN/E/
File No.	Est/2016/289
Date of Receipt	9.8.16
Date of Dispatch	10.8.16

SUPDT

N. Kumar
9/8/16

V. Ramani
DEAN 10/8/16

DE OF THE SECRETARY

30/8/16

11 AUG 2016

CHD ON 17 AUG 2016

SECRETARY TO GOVT (AGRI)

137. What is the opinion of Dean with reference to Rules and Law. pl state clearly.

N. Kumar
12/8/16

CHIEF SECRETARY TO GOVT -cum-
CHAIRMAN, PAJANCOA & RI (Karaikal) SOCIETY

Secy 1/c
Supdt - A. discus
19/8/16
E1

control next page

41
for page 2

(38)

138. The urgent matter is
sub-judice which is pending with Hon'ble
Supreme Court of India.

This is for your kind information.

Shri
Supt., 23/9/16

OFFICE OF THE DEAN
PAJANCOA & RI, KARAIKAL
Current No: 5302/PJN/FI/16
File No: 5366/2016/298
Date of Receipt: 23.9.16
Date of Despatch: 23.9.16

V. K. Ramani
DEAN

OFFICE OF THE SECRETARY

No. 630/Secy/Agri/20/16

RECEIVED ON 26 SEP 2016

DESPATCHED ON 29 SEP 2016

SECRETARY TO GOVT (AGRICULTURE)

138
139. ~~199~~ Paig ~~199~~ is factual position.
What is the opinion of Dean.
Pl state the opinion of Dean
~~Pl~~ by taking in to consideration
of Law in this issue.

Shri
29/9/16

OFFICE OF THE DEAN
PAJANCOA & RI, KARAIKAL
Current No: 5302/PJN/FI/16
File No: 2016/Estt./298
Date of Receipt: 3-9-16
Date of Despatch:

Secy/c

Supt. A. dis curs

V. K. Ramani
03/10/16

E1

2
31/10/16

Controlled... (5)

(39)

From pre-page)

140. On perusal of the records, it is submitted that, during end of the year 2010, the file with all relevant details was referred to Law Secretariat, Puducherry through the Special Secretary to Govt (Agri & Forest) on 02.11.2010, for necessary advice to proceed further in this matter.

141. After having assessed the facts behind the issue by the Law Secretariat, it was advised by the Law Secretary to Government, Law Department, Puducherry that *"by way of abundant caution, the administrative department may sanction the increment with a rider that the increments sanctioned to the appellants would be subject to the outcome of the Writ Appeal pending before the High Court and shall be liable to be recovered from their future pay and other benefits accruing to them, if the appeal is not decided in their favour"*.

142. However, consequent to the above the views and comments offered by the Secretary to Government (Agriculture) and the Chief Secretary – cum- Chairman, PAJANCOA & RI, (Karaikal) Society, Puducherry under various circumstances have been clearly mentioned from page No. 28 to 34 vide para 88 to 125 n/f, which may please be perused on this issue.

143. Besides, it is found essential to brief some gist of the decision taken by the Chief Secretary to Govt – cum- Chairman, PAJANCOA & RI (Karaikal) Society, Puducherry on this matter as follows.

144. As per the orders of Chief Secretary- cum- Chairman, PAJANCOA & RI, (Karaikal) Society, Puducherry, the annual increment to those 11 professors have been withheld w.e.f. 01.07.2009. The aggrieved Professors have appealed the verdict of the Hon'ble High Court of Madras and the case is now before the Hon'ble Supreme Court of India vide SLP.No. 33338 & 33339. The Hon'ble Supreme Court is pleased to direct to maintain '*status quo*' with respect to their postings.

145. Following that, the Chief Secretary -cum- Chairman, PAJANCOA & RI, (Karaikal), Society, Puducherry had also directed the then Dean vide Note order No. 7306, dt. 31.12.2012 of the Chief Secretariat with specific remarks that, "We may wait for the decision of Hon'ble Supreme Court. Division of Hon'ble High Court has also set aside the appeal of GO professors. Hon'ble Supreme Court has stayed the operation of High Court order and the validity of G.O.Ms.No.22 has not been upheld."

146. In these circumstances, it is felt that the offer of opinion of the Dean may not be correct in this regard, since the matter is sub-judice and pending before the Supreme Court of India.

147. Submitted for kind information.

SUPDT

[Signature]
21/11/16

V. K. Ram
DEAN/c

OFFICE OF THE SECRETARY

No.5302/PJN/E1/Estt/2016-17,

Dt. 16 November 2016

630/Sec/20/11/16

18 NOV 2016

DESPATCHED ON 1.8 NOV 2016

Sec (Agri.).

148

Whether the matter is not
subjudice to higher officials?
only to Dean/c is it subjudice?

149. What are the actions taken

for para No 120 to 122 which is
cited in para 142-? Para 120 to 122
refers to F.No 5302 / PJN/E1/Estt/2008

Safai/c

Supdt PI
NS
21/11/16

E1. P1
21/11/16

OFFICE OF THE DEAN
PAJANCOA & RI, KARAIKAL

Current No: 5302/PJN/

File No: 16-17/310,

Date of Receipt: 21.11.16

Date of Despatch:

(From Pre page)

150. It is submitted that vide page No. 33 at para 120/n.f the then Secretary to Government (Agriculture), Puducherry had suggested to refer the file to Department of Personnel and Administrative Reforms, Puducherry for their advice on this issue on 24.04.2016.

151. Following that, the Chief Secretary -cum- Chairman, PAJANCOA & RI (Karaikal) Society, Puducherry had also suggested on 25.04.2013 that the opinion of the Law Department has also to be obtained, in addition to the opinion of the DPAR, Puducherry in this issue vide para 121 n/f.

152. Hence, the then Secretary to Govt (Agriculture) had opined first on 25.04.2013 to send the file for advice to the Department of Personnel and Administrative Reforms (Personnel Wing), Puducherry vide para 122 n/f.

153. Since then the file had been sent to the Department of Personnel and Administrative Reforms (Personnel Wing) Puducherry vide No. 1342/Sec/Ag/13,dt. 25.04.2013.

154. In continuation to the above, the Special Secretary to Govt., DPAR (Personnel Wing), Puducherry had returned the file to PAJANCOA & RI, Karaikal through the Secretary to Government (Agriculture) for want of clarifications to the subject related to the same issue (Increment matter) vide I.D. Note No.A.48011/33/2013/DPAR/CCD(2) dt. 14.05.2013.

-----contnd.

45
(from pre page)

- 42 -

155. Necessary clarifications had submitted to the Chief Secretary to Govt-cum- Chairman, PAJANCOA & RI (Karaikal) Society, Puduchery vide this institute Note. No.PJN/Estt/Representation/Details/2012, dt. 27.01.2015. The copies of the same are also enclosed (Flag C) for kind perusal.

155. Submitted

SUPDT

V. Ramesh
DEAN /c/ 29/11/16

No.5302/PJN/E1/2016-17,
dt. 29.11.2016

OFFICE OF THE DEAN
PAJANCOA & RI, KARAIKAL

Current No: 5302/PJN/E/
File No: 16-17/312,
Date of Receipt: 29.11.2016
Date of Disposal: 29.11.2016

SECRETARY TO GOVT (AGRICULTURE)

630/Secy/Agri/20/16

1 DEC 2016

156. What is the present status of the case in Hon SC? It was supposedly heard on 29.1.16. as per the remarks of LD. What was the outcome and any subsequent developments?

Deank

Supdt. Pl.

V. Ramesh
05/12/16

E.I. pl.

05/12/2016

(from prepage)

157. According to the source available in the Hon'ble Supreme Court of India's website <http://courtnic.nic.in/supremecourt/querycheck.asp>, it is submitted that the present status of Special Leave Petition (Civil) - 33338 - 33339 of 2011 filed by Dr. J. Rammohan and others against Dr. K. Paramasivam and others is pending with the Hon'ble Supreme Court of India, and is likely to be listed on 10.01.2017.

158. A copy of the case status report of Hon'ble Supreme Court of India is also enclosed for kind perusal.

159. Submitted.

OFFICE OF THE DEAN PAJANCOA & RI, KARAIKAL	
Current No:	5302/PJN/
File No:	E1/2016-12/30
Date of Receipt:	8.12.2016
Date of Dispatch:	08.12.2016

SUPDT *[Signature]*
8/12/16

V. Kumar
DEAN i/c

Secretary (Agri.)

630/Secy/Agri/P.R./16
9 DEC 2016
12 DEC 2016

160: Pl examine
[Signature]
12/12/16

37773
14/12/16

DS(A) *[Signature]*
12/12/16

(from pre-page):

161. This file relates to seeking opinion towards release of withheld increments with effect from 01.07.2009 in respect of 6 professors of PAJANCOA & RI, Karaikal.

162. In this connection, notings of the Dean, PAJANCOA & RI, Karaikal from para 150-155/nf, the observation of the Secretary to Govt. (Agri) at para 156/nf and the reply furnished by the Dean from para 157-159/nf may please be perused.

163. It is stated therein that the present status of the SLP (Civil) 33338-33339 of 2011 filed by Dr. Rammohan and other against Dr. K. Paramasivam and others is pending with the Hon'ble Apex Court and is likely to be listed on 10.01.2017.

164. Submitted to Secretary to Govt. (Agri) for information.

29/12/16

[Signature]
(Superintendent)

D.S. (Agri)

OFFICE OF THE SECRETARY

630/Secy/Agri/20/16

RECEIVED ON 19 DEC 2016

SPRATCHED ON 20 DEC 2016

D.O. NO. 37773/CS(Agri)/A1/2016

dt. 19.12.2016

and in view of para 1.
165. Being matter Subjudice, shall we
wait till the Hon's CE pronounces the
order?

[Signature]
20/12/16

Dean

Superintendent

1/28
29/12/16

B1

22/12/16

PAJANCOA & RI
KARAIKAL

(from pre page)

166. It is submitted that vide para 157 n/f , it was stated that the Special Leave Petition (Civil) – 33338-33339 of 2011 filed by Dr. J. Rammohan and others against Dr. K. Paramaivam and others is pending with the Hon'ble Supreme Court of India, and is likely to be listed on 10.01.2017.

167. Further, as directed by the Secretary to Government (Agriculture), Puducherry and on verification of the said court website for knowing the present status of the case after 10.01.2017, it has been noted that the case is still finds its position as "pending" for final verdict and there are no further order for listing is found. A copy of the last updated report upto 31.01.2017 is enclosed and submitted for your kind perusal along with original file.

168. Submitted.

OFFICE OF THE DEAN
PAJANCOA & RI, KARAIKAL

Current No: 5302/PJN/E/

File No: 16-17/014/MS

Date of Receipt: 2.2.17

Date of Dispatch: 2.2.17

FILED ON 6 FEB 2017

RECEIVED ON 6 FEB 2017

PATCHED ON 6 FEB 2017

OFFICE OF THE DEAN
PAJANCOA & RI, KARAIKAL

Current No: 5302/PJN/E/

File No: 16-17/014/

Date of Receipt: 08.02.17

Date of Dispatch:

SUPDT *[Signature]*
2/2/17

V. K. K. *[Signature]*
DEAN 6/2/17

Sec (Agr) *[Signature]*
6/2/17

Depr Yc

Supdt A
WS
8/2/17

B/
2
8/2/17

SUPREME COURT OF INDIA

Case Status

Status : PENDING

Status of : Special Leave Petition (Civil) 33338 -33339 OF 2011 *

DR. J. RAM MOHAN AND ORS .vs. DR. K.PARAMASIVAM AND ORS

Pet. Adv. : MRS. GEETHA KOVILAN Res. Adv. : MR. NWIN PRAKASH

Subject Category : SERVICE MATTERS - RECRUITMENT/TRANSFER/COMPASSIONATE APPOINTMENT

Listed 1 times earlier

There are no further orders of listing

Last updated on 31-01-2017

Back

NIC

(from pre page)

169. It is submitted that the case pertaining to the G.O.M.S.No.22, dt. 10.10.2005 is pending with the Hon'ble Supreme Court of India vide SLP (Civil) No.33338-33339 of 2011 filed by Dr. J. Rammohan and Others against Dr.K.Paramasivam and Others. The case was then listed for 10.01.2017 during its last updation.

170. Meanwhile, the below mentioned three Professors have frequently been submitted their representations with a request to release their withheld increment which has been withheld w.e.f. 01.07.2009. The same was also referred by the Deputy Secretary to Government (Agri & Forest), Puducherry vide Lr. No.11683/CS(Agri)/A1/2017, dt. 09.06.2017 for taking necessary action.

i) Dr. K.Mathiyazhagan

ii) Dr.P. Pandian

iii) Dr. S. Muthukumarasamy

171. In the past occasion, the matter was referred to Law Department, Puducherry, through Special Secretary to Government (Agri & Forest), Puducherry on approval of the Chief Secretary to Govt., Puducherry vide. Note No. 2064/ Secry/Agri/2010, dt. 02.11.2010, the Law Secretary to Government, Law Department, Puducherry has further advised that by way of abundant caution, the administrative department may sanction the increment with a rider that the increments sanctioned to the appellants would be subject to the outcome of the Writ Appeal pending before the High Court and shall be liable to be recovered from their future pay and other benefits accruing to them, if the appeal is not decided in their favour. (para 88 of page 28 n/f).

172. Following that, the Chief Secretary -cum- Chairman, PAJANCOA & RI, (Karaikal), Society, Puducherry had also directed the then Dean i/c vide No. 7306, dt. 31.12.2012 that "We may wait for the decision of Hon'ble Supreme Court. Division of Hon'ble High Court has also set aside the appeal of GO professors. Hon'ble Supreme Court has stayed the operation of High Court order and the validity of G.Ms.No.22 has not been upheld."

(5)
(from pre page)

173. Now, based on their request and as per the reference of the Deputy Secretary to Govt (Agri & Forest), Puducherry, the present status of the case has been verified with the Supreme Court of India's website and eventually noted that the case was listed on 03.07.2017 and currently pending.

174. With this relevant information the file alongwith the representation received from the aforementioned Professors is submitted to the Chief Secretary to Government through the Secretary to Government (Agriculture), Puducherry for further direction in this regard.

175. Submitted for orders please.

V. Ramesh
DEAN

[Signature]
Superintendent

SECRETARY TO GOVT (AGRI)

CHIEF SECRETARY TO GOVT cum-
CHAIRMAN, PAJANCOA (Karaikal) SOCIETY

OFFICE OF THE DEAN PAJANCOA & RI, KARAIKAL	
Current No:	5302/PJN/EI
File No:	Estt./2017/052
Date of Receipt:	06-07-2017
Date of Despatch:	06-07-2017

OFFICE OF THE SECRETARY

No. 620/Secy/Agri/2017

RECEIVED ON 17 JUL 2017

DESPATCHED ON 10 JUL 2017

176.

It was listed on 3-7-17/ what day? on that day?

[Signature]
7/7/17
Dean/c

From pre page /-

177. This file relates to the letter received from the Advocate, High Court of Madras, Chennai regarding the Order of Supremment Court dated 14.07.2017 passed in SLP Nos.33338/2011 & 33339/2011.

178. The Hon'ble Supreme Court of India has pronounced its verdict on the SLP of Nos. 33338/2011 and 33339/2011 on 14.07.2017. The full judgment copy of the above verdict is yet to be received by the office of the Dean, PAJANCOA&RI, Karaikal.

A 179. Foilowing that, Mr.V.M.G. Ramakkannan, Advocate, High Court of Madras has sent a copy of Notice to the Dean, PAJANCOA&RI, Karaikal addressed to the Chief Secretary-cum-Chairman, PAJANCOA(Karaikal) Society and the Secretary (Agriculture), Puducherry (vide I.D.Note No.22910/CS(Agri)/A1/2017, dt.04.08.2017 of the Deputy Secretary to Govt.(Agriculture & Forests), Chief Secretariat, Puducherry forwarded to the Dean, PAJANCOA&RI, Karaikal for appropriate action) with a request rejecting the plea for counting of the past service of the 14 Associate Professors for promotion as Professor citing the Supreme Court judgment and narrated as follows:

B "You may therefore please note that the above order of the Supreme Court would amount to dismissing of the above appeals filed by Dr. Rammohan and others against the common order of the Division Bench of the Hon'ble High Court of Madras dated 12/09/2011 passed in W.A.Nos.1467/2011 & 1468/2011 confirming the order of the Learned Single Judge dated 30/04/2009 passed in W.P.Nos.5219/2006 & 6336/2011 quashing the G.O.Ms.No.22 dated 10/10/2005 which provided for counting of the past services of the said Associate Professors as Agriculture Officers for the purpose of promotion to the post of Professors in PAJANCOA"

180. Meanwhile, the following Professors (appellants) are submitting representation with a request to release withheld increments w.e.f. 1.7.2009 citing the same judgment of the apex court.

1. Dr.P.Pandian, Professor (Seed Technology)
2. Dr.S.Muthukumarasamy, Professor (Microbiology)
3. Dr.K.Mathiazhagan, Professor (Plant Pathology)
4. Dr.G.Mohamed Yassin, Professor (Horticulture)
5. Dr.A.Shaik Alauddin, Professor(Agrl. Economics & Extension)
6. Dr.D.Adireubane, Professor(Entomology) - Retired

181. This file alongwith the letter received from Mr.V.M.G. Ramakkannan, Advocate, High Court of Madras, Chennai and representations received from (6) Professors is submitted to the Chief Secretary – cum- Chairman, PAJANCOA (Karaikal) Society through the Secretary (Agriculture), Chief Secretariat, Puducherry for further direction please.

C

182. Submitted.

V. K. K. K.
DEAN 11/8/17

11/8

Current No.	5302/PJM/E1
File No.	Estt-1/2008/062
Date of Receipt	10-08-2017
Date of Disposal	11-08-2017

SECRETARY TO GOVT. (AGRICULTURE)

OFFICE OF THE SECRET

No. 630/Secy/Agril/PA

RECEIVED ON 14 AUG 2017

DESPATCHED ON 7 AUG 2017

CHIEF SECRETARY – CUM- CHAIRMAN
PAJANCOA(KARAIKAL)SOCIETY

183- PR examine

14/8/17

24879
18/8/17

D. S. K. K.
17/8/17

(from pre-page):

184. This file relates to seeking opinion towards release of withheld increments with effect from 01.07.2009 in respect of 6 professors of PAJANCOA & RI, Karaikal.

185. In this connection, notings of the Dean, PAJANCOA & RI, Karaikal from para 177-182/nf and the observation of the Secretary to Govt. (Agri) at para 183/nf may please be perused.

186. The gist of the case is as follows:-

As per G.O.Ms.No.22/Ag, dated 10.10.2005 of Agriculture Department, the past services of the 14 Agricultural Officers of Agriculture Department, who were absorbed in PAJANCOA & RI were counted for promotion to the post of Professors at PAJANCOA & RI, Karaikal. The said G.O. was challenged by the directly recruited Professors in the Hon'ble High Court, Madras vide W.P.No.5219 & 6336 of 2006, as they will become juniors to them, if their past services in the Dept. of Agriculture is taken into account. The Hon'ble High Court set aside the G.O.Ms.No.22/Ag, vide its Order dated 30.04.2009. Owing to this, the then Collector-cum-Dean, PAJANCOA & RI, Karaikal withheld the annual increment of the Professors who were promoted vide G.O.Ms.No.22/Ag, dated 10.10.2005 with effect from 01.07.2009 till their promotion is regularized.

187. Subsequently, the Professors who were promoted vide G.O.Ms.No.22/Ag, dated 10.10.2005 challenged the above judgement through Writ Appeals No.1467 & 1468/2009. This Writ Appeals were taken up by the two member - Division Bench of High Court of Madras. The Division Bench stayed the operation of the judgement dated 30.04.2009 vide its order dated 26.03.2010. Based on the interim order of stay, the Professors who were promoted vide G.O.Ms.No.22/Ag, dated 10.10.2005 requested for grant of annual increments which was withheld w.e.f. 01.07.2009. But, the then Collector-cum-Dean, PAJANCOA & RI did not consider their request stating that the G.O.Ms.No.22/Ag is not in force as only the Court Order has been stayed and ^{asked them to} wait for the final outcome. Therefore, the status quo is being continued till date.

188. However, a file was referred to the Law Department seeking clarification/opinion regarding grant of annual increment to the Professors who were promoted vide G.O.Ms.No.22/Ag, dated 10.10.2005 through the Special Secretary to Govt. (Agri) as early as on 02.11.2010. In the mean time, the stay was vacated by the Direct Professors and the case in W.A.No.1467 and 1468 of 2009 of the Professors who were promoted vide G.O.Ms.No.22/Ag, dated 10.10.2005 was taken up by the Division Bench and final judgment was pronounced on 12.09.2011 dismissing the Writ Appeals of these Professors and setting aside the G.O.Ms.No.22/Ag, by upholding the judgment dated 30.04.2009 of the Single Judge.

P 215/cor

P 616-628/cor }
P 345-348/cor }

✓ P 219/cor

189. Aggrieved by this, the said seven Professors who were promoted vide G.O.Ms.No.22/Ag, dated 10.10.2005 appealed against the judgment dated 12.09.2011 in the Supreme Court through Special Leave to Appeal (civil) No.33338-33339 of 2011. The Hon'ble Supreme Court passed an interim order "to maintain status quo". It means, the status before the special Leave Petition has to be maintained. That is the operation of the judgment of the Division Bench alone is stayed and the validity of G.O.Ms.No.22/Ag has not been upheld. Therefore, the withheld increments were not granted.

190. Now, the Hon'ble Supreme Court had pronounced its Order dated 14.07.2017 in Civil Appeal Nos.9101-9102 of 2017 (Arising out of SLP © No (s) 33338-33339 of 2011) as detailed below:-

"Leave Granted.

We are of the view that as far as financial upgradation is concerned, the appellants shall get the same but shall not have seniority by counting the past service.

With this modification, the appeals are partly allowed.

Pending applications, if any, shall also stand disposed of."

191. The Dean has stated that 6 Professors who were promoted vide G.O.Ms.No.22/Ag, dated 10.10.2005 have submitted representations with a request to release the withheld increments w.e.f. 01.07.2009 citing the judgment of the Apex Court.

192. In view of the above, the file may be submitted to the Secretary to Govt. (Agri) for kind perusal and thereafter the same may be referred to Law Department for offering their opinion/views in this regard.

OFFICE OF THE SECRETARY

No. 630/22/Ag/2011

RECEIVED ON 21 SEP 2017

DESPATCHED ON 21 SEP 2017

LD NO. 37773/USC/2017/Ag

CH. 21.9.2017

D.S. (Agri)

[Signature]
20/9/17
(Superintendent)

193. Already LD has opined on this judgment & Hon'ble set and asked for certain clarifications in a petition given along with this order & Hon'ble (1)
Submitted by one Mr. Adhishoban Retd professor in PATANCOA. The Law. the PATANCOA (2)
And Submitted those clarifications or not?
If so pl furnish the same along with
the 26 to refer to LD. *[Signature]* 21/9/17

No.37773/CS(Agri)/A1/2016

Chief Secretariat (Agri & Forests)

(from pre-page):

194. The observation of the Secretary to Govt. (Agri) at para 193/nf may please be perused.

195. In this regard, it is submitted that the clarifications sought for by the Law Department from PAJANCOA & RI in a petition (given along with the Order of Hon'ble Apex court) submitted by one Mr. Adhirouban, Retired Professor in PAJANCOA has not been received by this Secretariat till date. Hence, the Dean, PAJANCOA & RI, Karaikal may be reminded to submit the same within a week's time.

196. A draft I.D. Note addressed to Dean, PAJANCOA & RI is placed below.

197. Before issue, the file may be submitted to Secretary to Govt. (Agri) for kind perusal and approval, please.

22/9

[Signature]
22.09.17
(Superintendent)

D.S. (Agri)

[Signature]
22/9/17
D.S. (Agri)

198. An approved, fair copy is placed below for signature, pl.

22/9

[Signature]
D.S. (Agri)

OFFICE OF THE SECRETARY

630/Sec/Ag/20/17

RECEIVED ON 22 SEP 2017

PATCHED ON 22 SEP 2017

NO 37773/CS(Agri)/A1/2016
dt 22.9.2017

sent on 22.9.17

sent to the Dean - 20.9.17
sent to the Dean - 20.9.17
sent to the Dean - 20.9.17
sent to the Dean - 20.9.17

No.37773/CS(Agri)/A1/2016

Chief Secretariat (Agri & Forests)

(from pre-page):

199. This file relates to seeking opinion towards release of withheld increments with effect from 01.07.2009 in respect of 6 professors of PAJANCOA & RI, Karaikal.

200. In this connection, notings of this Secretariat from para 184-192, observation of the former Secretary to Govt. (Agri) at para 193/nf, notings of the Law Department from para 28-31/nf (LF) and the observation of the DC-cum-Secretary to Govt. at para 38/nf (LF) may please be perused.

201. Now, the Dean, PAJANCOA has furnished the considered opinion of the Advocate on Record for the Government of Puducherry at the Hon'ble Supreme Court of India in respect of the Order dated 14.07.2017 passed in the Special Leave to Appeal (C) No(s).33338-33339 of 2011, as desired by the Law Department.

202. In view of the above, the file may be resubmitted to the DC-cum-Secretary to Govt. (Agri) for kind perusal and thereafter the same may be referred to Law Department for offering their opinion/views in this regard.

2/2

[Signature] 28.01.18

(Superintendent)

D.S. (Agri)

[Signature]
Secy (Agri)

o.37773/CS(Agri)/2016/A,
dt 8.2.2018

-F.(1 File)

203. In the light of opinion of AOR & Sr. Advocate at page 57/c to 63/c in the Wk file vis-a-vis the order of Hon'ble SC reproduced at para 190/nf the near course of action shall be spelt out by the Agri Sect in file on which we may take the view of Law Dept. At this stage there seems no bar to release the withheld increments.

204. Examine quizing & pay near week.

O/o DEVELOPMENT COMMISSIONER	
No.	1009/DC/Agri/PA(18)
Received on	8 FEB 2018
Despatched No.	12 FEB 2018

DS (Agri) *[Signature]*

No.37773/CS(Agri)/A1/2016

Chief Secretariat (Agri & Forests)

(from pre-page):

205. Observation of the DC-cum-Secretary to Govt. (Agri) from para 203-204/nf may please be perused.

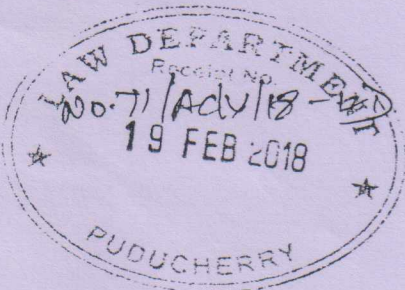
✓ P.59-63/02 LF

206. It is submitted that as per the opinion of the Senior Advocate Shri R. Venkataramani in the Order dated 14.07.2017 passed in the Special Leave to Appeal (C) No(s).33338-33339 of 2011 by the Hon'ble Apex Court, the Respondents 4 to 17 will continue to get their financial upgradation but none of the said respondents will be shown as seniors to the writ petitioners nor any superior financial upgradation compared to the writ petitioner be granted to them on the basis of counting their past service.

207. In view of the above, the withheld increments has to be released and their pay has to be regulated accordingly. Further, the withheld terminal benefits such as E.L encashment of the retired officials, owing to withheld increments may also to be released simultaneously.

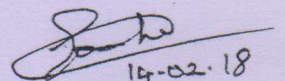
208. However, before obtaining the approval of the Chief Secretary to Govt.-cum-Chairman, PAJANCOA, opinion of the Law Department may be obtained in this regard.

209. In view of the above, the file may be resubmitted to the DC-cum-Secretary to Govt. (Agri) for kind perusal and thereafter the same may be referred to Law Department for offering their opinion/views in this regard.

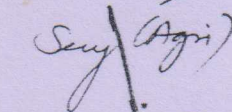


D.NO. 37773/CS(Agri)/2016/
dt. 14.02.18

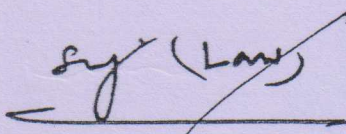
D.S. (Agri)


14.02.18
(Superintendent)

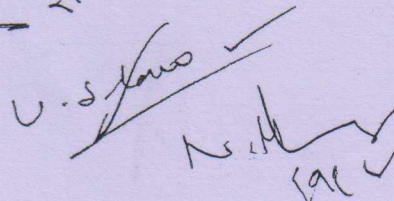
O/o DEVELOPMENT COMMISSIONER	
No.	1009/DC/Agri/PA/18
Received on	14 FEB 2018
Despatched No.	19 FEB 2018


Secy (Agri)

210. For opinion/view on the
Course of action proposed at
para 207/ry.


Secy (Law)

2. Senior
U.S. Law


U.S. Law

KM
18
19/2/2018
W
M

16/02

(from pre-page)

LAW DEPARTMENT

211. The opinion sought on file relates to release of withheld increments with effect from 01.07.2009 in respect of 6 nos. of professors of PAJANCO & RI, Karaikal based on the Order, dated 14.07.2017 in SLP(C) Nos.33338-33339 of 2011 of the Hon'ble Supreme Court of India filed against the Order, dated 12.09.2011 in WAC No.1467-1468 of 2009 of the Hon'ble High Court of Judicature of Madras.

212. In this context, it is observed that vide Common Order, dated 03.04.2009 in W.P. Nos. 5219 and 6336 of 2006 the Hon'ble High Court of Judicature of Madras has set aside the G.O.Ms.No.22/Ag, dated 10.10.2005 and the same was challenged by filing Writ Appeal Nos.1467 and 1468 of 2009. A Division Bench of the Hon'ble High Court vide Order, dated 12.09.2011 has dismissed the Writ Appeals confirming the Order, dated 03.04.2009 of the learned single Judge, since they do not see any illegality or infirmity in the Order. This was again challenged before the Hon'ble Supreme Court of India by way of filing SLP(C) Nos.33338-33339 of 2011 and the Hon'ble Supreme Court of India vide Order, dated 14.07.2017 has partly allowed the appeals by granting the financial upgradation to the appellants without counting the seniority of the past service.

213. In this regard, Thiru. V.G.Pragasam, Advocate on Record for Government of Puducherry vide his letter, dated 27.11.2017 has stated that the respondents no.4 to 17 need not be reverted, as granting financial benefits as ordered by the Hon'ble Supreme Court counting past service, cannot co-exist with reversion. Further, Thiru. R. Venkataramani, Senior Advocate, Supreme Court of India, vide opinion, dated 25.11.2017 has stated that none of said respondents 4 to 17, will be shown as seniors to the writ petitioner nor any superior, financial upgradation compared to the writ petitioners be granted to them on the basis of counting their past service.

(from pre-page)

214. Therefore, this Department is of the opinion that the appellants may be granted the financial upgradation without granting seniority by counting their past service as Agricultural Officer in the Department of Agriculture, Government of Puducherry and the Order, dated 14.07.2017 in SLP(C) Nos.33338-33339 of 2011 of the Hon'ble Supreme Court of India ^{SK 4} ~~be~~ duly complied with, by granting the withheld increments with effect from 01.07.2009 in respect of 6 nos. of professors of PAJANCO & RI, Karaikal and also the withheld terminal benefits such as E.L. encashment of the retired officials, owing to withheld increments may be granted.

215. With the above, before forwarding this file to the Secretary(Agriculture), the file may kindly be submitted to the Secretary(Law) for favour of approval.

Mg 9/3/2018
(Manimegalai Govindaradjou)
Law Officer

UNDER SECRETARY (LAW)

N.A. 9/3/2018

No. 71/Adv/18-LD
9.3.2018

SECRETARY (LAW)

2.8. 9/3/18

SECRETARY (AGRICULTURE)

216) Examine the view of Law Dept & p. v. g. WNP

b. (Agn) 9/3/18

8/12-3-18

O/o DEVELOPMENT COMMISSIONER	
No. 1009/DE/Agri/PA/18	giving.
Received on	29 MAR 2018
Despatched No.	72 MAR 2018

No.37773/CS(Agri)/A1/2016

Chief Secretariat (Agri & Forests)

(from pre-page):

217. This file relates to release of withheld increments with effect from 01.07.2009 in respect of 6 professors of PAJANCOA & RI, Karaikal.

218. In this connection, notings of this Secretariat from para 205-209, clarification of the Law Department from para 211-215/nf and the observation of the DC-cum-Secretary to Govt. at para 215/nf may please be perused.

219. The Law Department after perusing the Orders relating to this issue and opinion of Thiru V.G. Pragasam, Advocate on Record for Govt. of Puducherry and Thiru R. Venkataramani, Senior Advocate, Supreme Court of India, had opined that the appellants may be granted the financial upgradation without granting seniority by counting their past service as Agricultural Officer in the Department of Agriculture, Govt. of Puducherry and the Order dated 14.07.2017 in SLP(C) Nos.33338-33339 of 2011 of the Hon'ble Supreme Court of India shall be duly complied with by granting the withheld increments with effect from 01.07.2009 in respect of 6 Nos. of Professors of PAJANCOA & RI, Karaikal and also the withheld terminal benefits such as E.L. encashment of the retired officials, owing to withheld increments may be granted.

220. Accordingly, the withheld increments w.e.f. 01.07.2009 in respect of 6 Nos. of Professors of PAJANCOA & RI, Karaikal and also the withheld terminal benefits such as E.L. encashment of the retired officials, owing to withheld of increments may be granted as per Order dated 14.07.2017 in SLP(C) No.33338-33339 of 2011 of the Hon'ble Supreme Court of India and as per the opinion tendered by the Law Department vide para 214/nf.

221. In view of the above, the file may be submitted to the Chief Secretary to Govt.-cum-Chairman, PAJANCOA & RI for approval with the approval of DC-cum-Secretary to Govt. (Agri) and thereafter the same may be returned to the Dean, PAJANCOA & RI for compliance.

[Signature]
13.03.13
(Superintendent)

D.S.(Agri)

[Signature]
Secy (Agri)

14/3

CS - wa. Chairman
(PAJANCOA)

222. Pray pl bring it before me. Any other pending matter brought forth.

PS 10-4-18
at 11-30 AM
20/3/18

[Signature]
Secy (Agri)

[Signature]
Superintendent

2/4
E/ 20/3/18

OFFICE OF THE CHIEF SECRETARY
PUDUCHERRY.
No. E 4998/CS/2018
Received on 15 MAR 2018
Despatched on 21 MAR 2018

P 631-635/62

PS to CS

No. 37773/CS(Agri)/A1/16

dt. 14.3.2018

G/O DEVELOPMENT COMMISSIONER
No. 1622/DC(Agri)/PA/18
Received on 14 MAR 2018
Despatched No. 11/2018

No. 37773/CS(Agri)/2016/A1/16

223) Discussed with Secretary (Agri) on 22/3/18. As directed by the Secretary (Agri), the file is resubmitted for fixing a revised date for conducting G.B.

V. K. Rao
22/3/18

Dear Sir

Secretary (Agri).

Chief Secretary cum Chairman Panchayat Society.

O/o DEVELOPMENT COMMISSION
No. 1622/DC (Agri) (PA)
Received on 22 MAR 2018
Despatched No.

No.5302/PJN/E1/Estt/2008

Dt.14.05.2018

224. Notings of para 222 of Chief Secretary may please be perused.

225. As per the instruction of the Chief Secretary, this subject was placed as Agenda No.3 of the 47th Governing Body meeting held on 10.04.2018 and the decision of the Governing Body is as follows:

"The Governing Body considered the matter and advised to implement the Supreme Court judgement expeditiously. The required financial benefits be released and the seniority of the Professors may also be finalised as may be required as per standard norms in academic institutions."

226. While implementing the judgement of the Civil Appeal Nos.9101-9102 of 2017 in SLP (C) Nos.33338-33339 of 2011, the clarification for the following queries are required:

- a. When past service not counted, whether the seniority will be fixed from the date of joining at PAJANCOA & RI, Karaikal as Assistant Professor?
- b. What shall be done for the promotions under CAS given earlier, considering their past services?

227. Submitted for clarifications.

V. Sankaranarayanan
DEAN

DEPUTY SECRETARY TO GOVT. (AGRI.)

12793

15/5

8/15/5/18

No.37773/CS(Agri)/A1/2016

Chief Secretariat (Agri & Forests)

(from pre-page):

228. This file relates to seeking clarification by the PAJANCOA & RI, Karaikal for implementing the judgement of the Civil Appeal Nos.9101-9102 of 2017 in SLP (C) Nos.33338-33339 of 2011.

229. In this connection, notings of the Dean, PAJANCOA & RI, Karaikal from para 224-227/nf may please be perused. Therein, the Dean has sought for the following clarification for implementing the above said judgement:-

- a) When past service not counted, whether the seniority will be fixed from the date of joining at PAJANCOA & RI, Karaikal as Assistant Professor?
- b) What shall be done for the promotions under CAS given earlier, considering their past services?

Placed below

230. In this regard, it is stated that the DC-cum-Secretary to Govt. (Agri) in his notings, in a Contempt Petition (No.672/2018) file has clarified the above queries and also asked the Deputy Secretary (Agri) to draft a tentative seniority list in association with the Dean, duly explaining all the facts therein and by placing the absorbed officers enmasse below the direct recruit officers and to publish the same calling for objections, if any. Further, he has also directed to bring the above fact before the Court at the time of hearing on 13.06.2018.

231. In view of the above, the file may be returned to the Dean, PAJANCOA & RI, Karaikal to prepare a draft seniority list as stated above and to submit the same for the approval of the Chairman, PAJANCOA & RI, Karaikal.

27/5/18

D.S.(Agri)

24.05.18
(Superintendent)

no. 37773. /CS(Agri)/A1/16

dt. 28.5.2018

Dean / PAJANCOA Very Urgent

The Suptd. / EI
put up seniority list - (tentative)
on 05/06/18
MS
02/6/18
2
16/11/18

PAJANCOA & RI
KARAIKAL

(From pre - page)

No. 5302/PJN/E1/Estt/2008

Dt. 11.06.2018

232. The notings of the Dy. Secretary (Agri) has been perused at para 230/n.f and detailed discussion have been made in the chamber of Dean on 05.06.2018 along with Superintendent, TPO and Section Assistant. As per available records the tentative seniority list have been prepared and placed below for kind perusal. However, the final seniority list will be finalized subject to publish the same in the college website, and seeking objections if any within 8 days, i.e before 18.06.2018 and subject to final approval of the Chief Secretary to Govt.-cum-Chairman, PAJANCOA & RI, (Karaikal) Society, Puducherry through the Secretary (Agri).

Flag
A

OFFICE OF THE DEAN PAJANCOA & RI, KARAIKAL
Current No: 5302/PJN/E1/Estt/2008/215
File No:
Date of Receipt: 11.6.2018
Date of Dispatch: 11.6.2018

[Signature]
Supdt.

V. Kaul
Dean i/c

[Signature]
DY. SECRETARY TO GOVT (AGRI)

SECRETARY TO GOVT (AGRI)

CHIEF SECRETARY TO GOVT -cum-
CHAIRMAN, PAJANCOA & RI (Karaikal) SOCIETY

No.37773/CS(Agri)/A1/2016

Chief Secretariat (Agri & Forests)

(from pre-page):

233. This file relates to implementing the judgement of the Civil Appeal Nos.9101-9102 of 2017 in SLP (C) Nos.33338-33339 of 2011 by the PAJANCOA & RI, Karaikal.

234. In this connection, notings of this Secretariat from para 228-231/nf and that of the Dean, PAJANCOA & RI, Karaikal at para 232/nf may please be perused. Therein, the Dean has stated that in compliance of the above judgement, a tentative seniority list of lecturers in PAJANCOA has been hosted in the PAJANCOA & RI website on 11.06.2018 seeking objections, if any within 8 days i.e. before 18.06.2018. The copy of the same is placed below.

235. The file may be submitted to the Chief Secretary to Govt. cum-Chairman, PAJANCOA through Secretary to Govt. (Agri) for information, please.

27/6

(on leave)
(Superintendent)

D.S.(Agri)

OFFICE OF THE CHIEF SECRETARY
KARAIKAL
9935/CS/2018
18 JUN 2018
18 JUN 2018
Despatched on

0.37773/CS(Agri)/A1/2016/A1

07.12.6.2018

D.C./Secy (Agri)

O/o DEVELOPMENT COMMISSIONER
No. 213/De/Agri/PA/18
T2 JUN 2018
Received on
Despatched No. 18/6/18

18 JUN 2018

20 JUN 2018

18
21-06-18

D.S. (Agri)

235. Seniority (testimony) list contains several irrelevant details. It is suggested that another list be circulated by way of an amendment to remove irrelevant information. All in all.

Leij

20/6

21/6

No.37773/CS(Agri)/A1/2016

Chief Secretariat (Agri & Forests)

(from pre-page):

237. This file relates to circulation of Tentative seniority list of Professors at PAJANCOA & RI, Karaikal.

238. In this connection, notings of this Secretariat from para 233-235/nf and the observation of the Chief Secretary to Govt. at para 236/nf. may please be perused. Therein, the Chief Secretary to Govt. has observed that several irrelevant details are included in the tentative seniority list of Professors and instructed to carry out amendment to remove irrelevant information. Further, Dr. D. Adiroubane, Professor and Dr. S. Anandkumar, Associate Professor have submitted objection towards the tentative seniority list.

239. In view of the above, the file may be returned to the Dean along with the objections, for compliance. Fair copies of the letter informing the Dr. D. Adiroubane, Professor and Dr. S. Anandkumar, Associate Professor are also placed below for signature, please.

✓
NO. 37773/CS(Agri)/2016 /
dt. 27/06/2018

27/6/18

D.S. (Agri)

(Superintendent)

Dean, PAJANCOA.

To,

The Superintendent

WS
28/6/18

E1

2
31/7/18

OFFICE OF THE DEAN PAJANCOA & RI, KARAİKAL	
File No:	5302/PJN/E1/2009
No:	215/2018
of Receipt:	28-6-18
of Despatch:	

No. 5302/PJN/E1/2018 dated 07.09.2018

PAJANCOA & RI,
KARAIKAL

(from pre-page)

240. This file relates to recovery of overpayment of pay and allowances made to Dr. D. Adrioubane, Professor (Rtd).

241. In this connection it is submitted to state that Dr. D. Adiroubane, Professor (Rtd) has been admitted into retirement on superannuation with effect from 31-08-2012 and the encashment of leave salary has been with held as the Audit has objected his promotion to the post of Professor and recommended to recover an amount of Rs. 3,47,263 towards the pay and allowances of the promoted post of Professor. This may be seen at para 109/nf. of this file. Now he is often represented through letters and RTI applications and requested to effect the payment of encashment of leave salary. An amount of Rs. 3,37,525/- has been worked out as leave salary as detailed below:-

EL at his credit on the date of Superannuation	109 days
HPL at his credit on on the date of Superannuation	12 days
Total	114
EL enhancement Rs. <u>44510+10000++39247x102</u> 30	318773.80 (or) Rs. 318774
HPL enhancement for 12 days .Rs. <u>44510+10000++39247x12</u> 30x2	18751.40 (or) Rs. 18751
Total 318774+18751	Rs. 337525
Over payment pointed out by Audit and recommended for recovery	Rs. 347263
Over payment to be recovered from the individual	Rs. 9737

242. This has already been informed that the individual vide this office order No. PJN/Estt.1/DA/Leave Salary/2012 dated 29.10.2012 and the copy of the same is placed below for kind perusal.

243. Whereas an amount of Rs. 3,37,525/- was pointed out by the audit. So the entire amount of leave salary may be adjusted along with an additional amount of Rs. 9737/- may also be recovered from him.

244. It is therefore, requested that necessary instructions may be obtained from the Chief Secretary to Govt -cum- Chairman, PAJANCOA & RI (Karaikal) Society, Puduchery through the Secretary (Agri.) to recover the excess payment of Rs. 9737/- (Rupees Nine thousand seven hundred and thirty seven only) from Dr. D. Adiroubane, Professor (Rtd).

245. Submitted please.

V. Renuka
Dean i/c 07/09/18

Supdt.

SECRETARY (AGRI.)

CHIEF SECRETARY TO GOVT -cum-
CHAIRMAN, PAJANCOA & RI (Karaikal) SOCIETY

Dean

To.
The Supdt.
ns
26/9/18

OFFICE OF THE DEAN
PAJANCOA & RI, KARAİKAL

Current No: 5302/PJN/EI/

File No: 2018/244,

Date of Receipt: 7-9-18

Date of Despatch: 10-9-18

O/o DEVELOPMENT COMMISSION

No. 739/PC/Agri/PAI.

Received 11 SEP 2018

Despatched No 11 SEP 2018

OFFICE OF THE DEAN
PAJANCOA & RI, KARAİKAL

Current No: 5302/PJN/EI/20

File No: 244,

Date of Receipt: 27-9-18

Date of Despatch:



PANDIT JAWAHARLAL NEHRU COLLEGE OF AGRICULTURE & RESEARCH
INSTITUTE, SERUMAVILANGAI, NEDUNGADU (Post), KARAİKAL - 609 603

68

Dr. K. OMAR HATTAB, Ph. D.,
DEAN i/c

No.: PJN/Estt/E1/SLP33338-33339/2011/2014-15

Dt: 16.02.2015

To,

Thiru V. G. Pragasam,
Senior Advocate (Puducherry Government),
Supreme Court of India,
Supreme Enclave, Mayor Vihar
Phase-I, New Delhi

Respected Sir,

Sub: SLP (Civil) Nos. 33338-33339 of 2011 filed by Dr. J. Ram Mohan & others
Vs. Dr. K. Paramasivam & others.

Ref: Your letter/File No.VGP/PDY/557/2014 Dt.31.12.2014

With reference to the subject cited above, I am to enclose herewith the Common Counter Affidavit signed by the Chief Secretary to Government duly notarized (five copies with enclosures – two green and three white) for further necessary action at your end.

Yours faithfully,

Encl: As stated above

o/c DEAN i/c
16/2
R

DESATCHER
PAJANCOA & R
KARAİKAL
16.2.15

**PANDIT JAWAHARLAL NEHRU COLLEGE OF AGRICULTURE AND RESEARCH INSTITUTE,
SERUAMAVILANGAI, KARAİKAL – 609 603**

No.: 418/PJN/E1/2023

Date: 18.04.2023

OFFICE ORDER

Sub: PAJANCOA & RI – Karaikal – Estt. – Dr. A. Shaik Alauddin– Fixation of Pay
– Orders – Issued.

Ref: 1. GO Ms. No. 22/Ag dt. 10.10.2005

2. Order of the Supreme court in SLP (C) No.33338-33339 of 2011

3. GO Rt. No. 90/Ag dt. 31.03.2023 of the Dy. Secretary to Govt. (Agri), Chief
Secretariat (Agriculture), Puducherry.

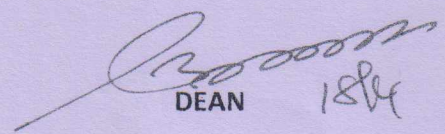
4. PJN/G.O.Ms.22/Pay arrear/Committee Report/2023 dt.18.04.23.

In pursuance of the recommendations of the screening committee and on compliance to the verdict of Hon'ble Supreme court of India vide ref.(2) cited, the pay of Dr. A. Shaik Alauddin, Retired Professor (Agricultural Extension), one of the appellants of the civil appeal is hereby financially upgraded as detailed below. This financial upgradation is as per directions of the Apex Court Order (ref. 2) and as contemplated in the G.O. cited in ref. (1) above. This order is issued in suppression of all earlier orders issued with reference to pay fixation of the individual.

Date of appointment / induction / redesignation / increment	Designation	Scale of Pay (Pay Commission)	Pay in the pay scale	Remarks
04.12.1989	Assistant Professor	2200-75-2800-100-4000 (IV Pay Commission)	2200	RR 1993 & ICAR-UGC 1986
01.12.1990			2275	Annual increment
20.07.1991	Assistant Professor (Senior Scale)	3000-100-3500-125-5000 (IV Pay Commission)	3000	RR 1993 & ICAR-UGC 1986
01.07.1992			3100	Annual increment
01.07.1993			3200	Annual increment
01.07.1994			3300	Annual increment
01.07.1995			3400	Annual increment
01.01.1996		10000-325-15200 (V Pay Commission)	10325	Implementation of V Pay; ICAR-UGC 1996
01.07.1996			10650	Annual increment
09.12.1996			11300	Two advance increments for acquiring Ph.D.
01.07.1997			11625	Annual increment
01.07.1998			11950	Annual increment
27.07.1998	Associate Professor	12000-420-18300 (V Pay Commission)	13260	RR 1999 & ICAR-UGC 1996
01.07.1999			13680	Annual increment
01.07.2000			14100	Annual increment

Date of appointment / induction / redesignation / increment	Designation	Scale of Pay (Pay Commission)	Pay in the pay scale	Remarks
20.07.2000	Professor	16400-450-20900-500-22400 (V Pay Commission)	16400	RR 1999 & ICAR-UGC 1996
01.07.2001			16850	Annual increment
01.07.2002			17300	Annual increment
01.07.2003			17750	Annual increment
15.04.2004			--	Entered on EOL (15.04.2004 to 02.08.2005) No pay and No increment
01.07.2004			--	
01.07.2005			--	
03.08.2005			17750	Joined after EOL
01.01.2006		37400 – 67000 + AGP 10,000 (VI Pay Commission)	42120+10000	Implementation of VI Pay commission
01.07.2006			43690+10000	Annual increment
01.07.2007			45310+10000	Annual increment
01.07.2008			46970+10000	Annual increment
01.07.2009			48680+10000	Annual increment
01.07.2010			50450+10000	Annual increment
08.03.2011			48680+10000	Minor penalty imposed. Pay reduced by one level
01.07.2011			48680+10000 (52270+10000)	Annual increment in book (Penalty period)
01.07.2012			-- (52270+10000)	Penalty period and Entered on EOL (01.07.2012 to 28.05.2014). No pay and No increment
08.03.2013			-- (52270+10000)	End of penalty period. EOL Period. No Pay and No increment.
01.07.2013			--	EOL Period
29.05.2014			52270+10000	Joined duty after EOL
01.07.2014			52270+10000	No annual increment since not worked for preceding six months

Date of appointment / induction / redesignation / increment	Designation	Scale of Pay (Pay Commission)	Pay in the pay scale	Remarks
01.07.2015			54140+10000	Annual increment
01.07.2016			56070+10000	Annual increment
01.07.2017			58060+10000	Annual increment
01.07.2018			60110+10000	Annual increment
13.05.2019			--	Entered on EOL (13.05.2019 to 07.06.2019)
08.06.2019			60110+10000	Joined after EOL
01.07.2019			60110+10000	No annual increment since not worked for preceding six months
01.08.2019		Level 14; Cell 12 (VII Pay Commission)	182700	Implementation of VII Pay commission
01.07.2020			188200	Annual increment


DEAN 18/4

To
✓ Dr. A. Shaik Alauddin, Professor (Agricultural Extension) - Retired

Copy to:
A2 section / Personal file

Copy submitted to
1. The Chief Secretary-cum-Chairman, PAJANCOA (Karaikal) Society
2. The Secretary to Govt. (Agriculture), Govt. of Puducherry

**PANDIT JAWAHARLAL NEHRU COLLEGE OF AGRICULTURE AND RESEARCH INSTITUTE,
SERUAMAVILANGAI, KARAİKAL – 609 603**

No.: 418/PJN/E1/2023

Date:18.04.2023

OFFICE ORDER

Sub: PAJANCOA & RI – Karaikal – Estt. – Dr. G. Mohammed Yassin – Fixation of Pay – Orders – Issued.

Ref: 1. GO Ms. No. 22/Ag dt. 10.10.2005

2. Order of the Supreme court in SLP (C) No.33338-33339 of 2011

3. GO Rt. No. 90/Ag dt. 31.03.2023 of the Dy. Secretary to Govt. (Agri), Chief Secretariat (Agriculture), Puducherry

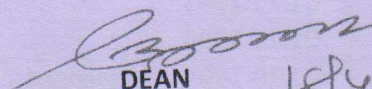
4. PJN/G.O.Ms.22/Pay arrear/Committee Report/2023 dt.18.04.23

In pursuance of the recommendations of the screening committee and on compliance to the verdict of Hon'ble Supreme court of India vide ref.(2) cited, the pay of Dr. G. Mohammed Yassin, Retired Professor (Horticulture), one of the appellants of the civil appeal is hereby financially upgraded as detailed below. This financial upgradation is as per directions of the Apex Court Order (ref. 2) and as contemplated in the G.O. cited in ref. (1) above. This order is issued in suppression of all earlier orders issued with reference to pay fixation of the individual.

Date of appointment / induction / redesignation / increment	Designation	Scale of Pay (Pay Commission)	Pay in the pay scale	Remarks
15.11.1989	Assistant Professor	2200-75-2800-100-4000 (IV Pay Commission)	2200	RR 1993 & ICAR-UGC 1986
16.11.1989	Assistant Professor (Senior Scale)	3000-100-3500-125-5000 (IV Pay Commission)	3000	RR 1993 & ICAR-UGC 1986
01.11.1990			3100	Annual increment
01.11.1991			3200	Annual increment
01.11.1992			3300	Annual increment
01.11.1993			3400	Annual increment
01.11.1994			3500	Annual increment
22.10.1995	Assistant Professor (Selection Grade)	3700-125-4950-150-5700 (IV Pay Commission)	3700	RR 1993 & ICAR-UGC 1986
01.01.1996		12000-420-18300 (V Pay Commission)	12000	Implementation of V Pay; ICAR-UGC 1996
01.05.1996			12840	Two advance increments for acquiring Ph.D.
01.10.1996			13260	Annual increment

73

Date of appointment / induction / redesignation / increment	Designation	Scale of Pay (Pay Commission)	Pay in the pay scale	Remarks
01.10.1997			13680	Annual increment
27.07.1998	Associate Professor	12000-420-18300 (V Pay Commission)	13680	Redesignated as Associate Professor
28.07.1998	Professor	16400-450-20900-500-22400 (V Pay Commission)	16400	RR 1999 & ICAR-UGC 1996
01.07.1999			16850	Annual increment
01.07.2000			17300	Annual increment
01.07.2001			17750	Annual increment
01.07.2002			18200	Annual increment
01.07.2003			18650	Annual increment
01.07.2004			19100	Annual increment
01.07.2005			19550	Annual increment
01.01.2006		37400 – 67000 + AGP 10,000 (VI Pay Commission)	44700+10000	Implementation of VI Pay commission
01.07.2006			46350+10000	Annual increment
01.07.2007			48050+10000	Annual increment
01.07.2008			49800+10000	Annual increment
01.07.2009			51600+10000	Annual increment
01.07.2010			53450+10000	Annual increment
01.07.2011			55360+10000	Annual increment
01.07.2012			57330+10000	Annual increment
01.07.2013			59350+10000	Annual increment
01.07.2014			61440+10000	Annual increment
01.07.2015			63590+10000	Annual increment
01.07.2016			65800+10000	Annual increment
01.07.2017			67000+10000	Annual increment
01.07.2018			67000+10000	Reached the highest pay in the scale


 DEAN 18/4

To
 ✓ Dr. G. Mohammed Yassin, Professor (Horticulture) - Retired

Copy to:

A2 section / Personal file

Copy submitted to

1. The Chief Secretary-cum-Chairman, PAJANCOA (Karaikal) Society

**PANDIT JAWAHARLAL NEHRU COLLEGE OF AGRICULTURE AND RESEARCH INSTITUTE,
SERUAMAVILANGAI, KARAIKAL – 609 603**

No.:418 /PJN/E1/2023

Date 18.04.2023

OFFICE ORDER

Sub: PAJANCOA & RI – Karaikal – Estt. – Dr. J. Rammohan – Fixation of Pay –
Orders – Issued.

Ref: 1. GO Ms. No. 22/Ag dt. 10.10.2005

2. Order of the Supreme court in SLP (C) No.33338-33339 of 2011

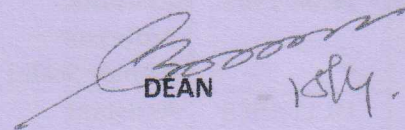
3. GO Rt. No. 90/Ag dt. 31.03.2023 of the Dy. Secretary to Govt. (Agri), Chief
Secretariate (Agriculture), Puducherry

In pursuance of the recommendations of the screening committee and on compliance to the verdict of Hon'ble Supreme court of India vide ref.(2) cited, the pay of Dr. J. Rammohan, Retired Professor (Agronomy), one of the appellants of the civil appeal is hereby financially upgraded as detailed below. This financial upgradation is as per directions of the Apex Court Order (ref. 2) and as contemplated in the G.O. cited in ref. (1) above. This order is issued in suppression of all earlier orders issued with reference to pay fixation of the individual.

Date of appointment / induction / redesignation / increment	Designation	Scale of Pay (Pay Commission)	Pay in the pay scale	Remarks
17.04.1989	Assistant Professor	2200-75-2800-100-4000 (IV Pay Commission)	2200	RR 1993 & ICAR-UGC 1986
18.04.1989	Assistant Professor (Senior Scale)	3000-100-3500-125-5000 (IV Pay Commission)	3000	RR 1993 & ICAR-UGC 1986
19.11.1989	Assistant Professor (Selection Grade)	3700-125-4950-150-5700 (IV Pay Commission)	3700	RR 1993 & ICAR-UGC 1986
01.11.1990			3825	Annual increment
01.11.1991			3950	Annual increment
01.11.1992			4075	Annual increment
01.11.1993			4200	Annual increment
01.11.1994			4325	Annual increment
01.11.1995			4450	Annual increment
01.01.1996		12000-420-18300 (V Pay Commission)	15360	Implementation of V Pay; ICAR-UGC 1996
01.11.1996			15780	Annual increment
27.05.1997	Associate	12000-420-18300 (V Pay Commission)	16620	Two advance increments for

75

Date of appointment / induction / redesignation / increment	Designation	Scale of Pay (Pay Commission)	Pay in the pay scale	Remarks
	Professor			acquiring Ph.D.
01.11.1997			17040	Annual increment
27.07.1998	Professor	16400-450-20900-500-22400 (V Pay Commission)	17750	RR 1999 & ICAR-UGC 1996
01.07.1999			18200	Annual increment
01.07.2000			18650	Annual increment
01.07.2001			19100	Annual increment
01.07.2002			19550	Annual increment
01.07.2003			20000	Annual increment
01.07.2004			20450	Annual increment
01.07.2005			20900	Annual increment
01.01.2006		37400 – 67000 + AGP 10,000 (VI Pay Commission)	47440+10000	Implementation of VI Pay commission
01.07.2006			49170+10000	Annual increment
01.07.2007			50950+10000	Annual increment
01.07.2008			52780+10000	Annual increment
01.07.2009			54670+10000	Annual increment
01.07.2010			56620+10000	Annual increment
01.07.2011			58620+10000	Annual increment
01.07.2012			60680+10000	Annual increment
01.07.2013			62810+10000	Annual increment
01.07.2014			65000+10000	Annual increment


DEAN

To

✓ Dr. J. Rammohan, Professor (Agronomy) - Retired

Copy to:

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Copy submitted to

1. The Chief Secretary-cum-Chairman, PAJANCOA (Karaikal) Society
2. The Secretary to Govt. (Agriculture), Govt. of Puducherry

**PANDIT JAWAHARLAL NEHRU COLLEGE OF AGRICULTURE AND RESEARCH INSTITUTE,
SERUAMAVILANGAI, KARAIKAL – 609 603**

No.: 418/PJN/E1/2023

Date: 18.04.2023

OFFICE ORDER

Sub: PAJANCOA & RI – Karaikal – Estt. – Dr. P. Pandian – Fixation of Pay – Orders – Issued.

Ref: 1. GO Ms. No. 22/Ag dt. 10.10.2005

2. Order of the Supreme court in SLP (C) No.33338-33339 of 2011

3. GO Rt. No. 90/Ag dt. 31.03.2023 of the Dy. Secretary to Govt. (Agri), Chief Secretariat (Agriculture), Puducherry

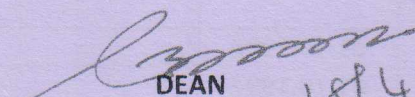
4. PJN/G.O.Ms.22/Pay arrear/Committee Report/2023 dt.18.04.23

In pursuance of the recommendations of the screening committee and on compliance to the verdict of Hon'ble Supreme court of India vide ref.(2) cited, the pay of Dr. P. Pandian, Retired Professor (Seed Sci. & Technology), one of the appellants of the civil appeal is hereby financially upgraded as detailed below. This financial upgradation is as per directions of the Apex Court Order (ref. 2) and as contemplated in the G.O. cited in ref. (1) above. This order is issued in suppression of all earlier orders issued with reference to pay fixation of the individual.

Date of appointment / induction / redesignation / increment	Designation	Scale of Pay (Pay Commission)	Pay in the pay scale	Remarks
30.09.1991	Assistant Professor	2200-75-2800-100-4000 (IV Pay Commission)	2200	RR 1993 & ICAR-UGC 1986
01.10.1991	Assistant Professor (Senior Scale)	3000-100-3500-125-5000 (IV Pay Commission)	3000	RR 1993 & ICAR-UGC 1986
01.10.1992			3100	Annual increment
01.10.1993			3200	Annual increment
01.10.1994			3300	Annual increment
01.10.1995			3400	Annual increment
01.01.1996		10000-325-15200 (V Pay Commission)	10325	Implementation of V Pay; ICAR-UGC 1996
01.10.1996			10650	Annual increment
01.10.1997			10975	Annual increment
13.08.1998			11625	Two advance increments for acquiring Ph.D.
13.08.1998	Associate Professor	12000-420-18300 (V Pay Commission)	12840	RR 1999 & ICAR-UGC 1996
01.08.1999			13260	Annual increment

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Date of appointment / Induction / redesignation / Increment	Designation	Scale of Pay (Pay Commission)	Pay in the pay scale	Remarks
10.06.2000	Professor	16400-450-20900-500-22400 (V Pay Commission)	16400	RR 1999 & ICAR-UGC 1996
01.06.2001			16850	Annual increment
01.06.2002			17300	Annual increment
01.06.2003			17750	Annual increment
01.06.2004			18200	Annual increment
01.06.2005			18650	Annual increment
01.01.2006		37400 – 67000 + AGP 10,000 (VI Pay Commission)	43390+10000	Implementation of VI Pay commission
01.07.2006			45000+10000	Annual increment
01.07.2007			46650+10000	Annual increment
01.07.2008			48350+10000	Annual increment
01.07.2009			50110+10000	Annual increment
01.07.2010			51920+10000	Annual increment
01.07.2011			53780+10000	Annual increment
01.07.2012			55700+10000	Annual increment
01.07.2013			57680+10000	Annual increment
01.07.2014			59720+10000	Annual increment
01.07.2015			61820+10000	Annual increment
01.07.2016			63980+10000	Annual increment
01.07.2017			66200+10000	Annual increment
01.07.2018			67000+10000	Annual increment
01.07.2019			67000+10000	Reached the highest pay in the scale
01.08.2019		Level 14; Cell 12 (VII Pay Commission)	199600	Implementation of VII Pay commission
01.07.2020			205600	Annual increment
01.07.2021			211800	Annual increment


 DEAN 18/4

To

✓ Dr. P. Pandian, Professor (Seed Sci. & Technology) - Retired

Copy to:

A2 section / Personal file

Copy submitted to

1. The Chief Secretary-cum-Chairman, PAJANCOA (Karaikal) Society
2. The Secretary to Govt. (Agriculture), Govt. of Puducherry

(78)

**PANDIT JAWAHARLAL NEHRU COLLEGE OF AGRICULTURE AND RESEARCH INSTITUTE,
SERUAMAVILANGAI, KARAIKAL – 609 603**

No.: 418/PJN/E1/2023

Date:18.04.2023

OFFICE ORDER

Sub: PAJANCOA & RI – Karaikal – Estt. – Dr. K. Madhiahagan – Fixation of Pay – Orders – Issued.

Ref: 1. GO Ms. No. 22/Ag dt. 10.10.2005

2. Order of the Supreme court in SLP (C) No.33338-33339 of 2011

3. GO Rt. No. 90/Ag dt. 31.03.2023 of the Dy. Secretary to Govt. (Agri), Chief Secretariat (Agriculture), Puducherry

4. PJN/G.O.Ms.22/Pay arrear/Committee Report/2023 dt.18.04.23

In pursuance of the recommendations of the screening committee and on compliance to the verdict of Hon'ble Supreme court of India vide ref.(2) cited, the pay of Dr. K. Madhiahagan, Retired Professor (Plant Pathology), one of the appellants of the civil appeal is hereby financially upgraded as detailed below. This financial upgradation is as per directions of the Apex Court Order (ref. 2) and as contemplated in the G.O. cited in ref. (1) above. This order is issued in suppression of all earlier orders issued with reference to pay fixation of the individual.

Date of appointment / Induction / redesignation / increment	Designation	Scale of Pay (Pay Commission)	Pay in the pay scale	Remarks
06.07.1990	Assistant Professor	2200-75-2800-100-4000 (IV Pay Commission)	2200	RR 1993 & ICAR-UGC 1986
07.07.1990	Assistant Professor (Senior Scale)	3000-100-3500-125-5000 (IV Pay Commission)	3000	RR 1993 & ICAR-UGC 1986
01.07.1991			3100	Annual increment
01.07.1992			3200	Annual increment
01.07.1993			3300	Annual increment
01.07.1994			3400	Annual increment
01.07.1995			3500	Annual increment
01.01.1996		10000-325-15200 (V Pay Commission)	10650	Implementation of V Pay; ICAR-UGC 1996
01.07.1996			10975	Annual increment
03.12.1996			11625	Two advance increments for acquiring Ph.D.
01.07.1997			11950	Annual increment
01.07.1998			12275	Annual increment

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Date of appointment / induction / redesignation / increment	Designation	Scale of Pay (Pay Commission)	Pay in the pay scale	Remarks
27.07.1998	Associate Professor	12000-420-18300 (V Pay Commission)	13680	RR 1999 & ICAR-UGC 1996
28.09.1998	Professor	16400-450-20900-500-22400 (V Pay Commission)	16400	RR 1999 & ICAR-UGC 1996
01.09.1999			16850	Annual increment
01.09.2000			17300	Annual increment
01.09.2001			17750	Annual increment
01.09.2002			18200	Annual increment
01.09.2003			18650	Annual increment
01.09.2004			19100	Annual increment
01.09.2005			19550	Annual increment
01.01.2006		37400 – 67000 + AGP 10,000 (VI Pay Commission)	44700+10000	Implementation of VI Pay commission
01.07.2006			46350+10000	Annual increment
01.07.2007			48050+10000	Annual increment
01.07.2008			49800+10000	Annual increment
01.07.2009			51600+10000	Annual increment
01.07.2010			53450+10000	Annual increment
01.07.2011			55360+10000	Annual increment
01.07.2012			57330+10000	Annual increment
01.07.2013			59350+10000	Annual increment
01.07.2014			61440+10000	Annual increment
01.07.2015			63590+10000	Annual increment
01.07.2016			65800+10000	Annual increment
01.07.2017			67000+10000	Annual increment


DEAN 18/4.

To

Dr. K. Madhiazhagan, Professor (Plant Pathology) - Retired

Copy to:

A2 section / Personal file

Copy submitted to

1. The Chief Secretary-cum-Chairman, PAJANCOA (Karaikal) Society
2. The Secretary to Govt. (Agriculture), Govt. of Puducherry

OFFICE ORDER

Sub: PAJANCOA & RI - Karaikal - Estt. - Dr. S. Muthukumarasamy- Fixation of Pay - Orders - Issued.

Ref: 1. GO Ms. No. 22/Ag dt. 10.10.2005

2. Order of the Supreme court in SLP (C) No.33338-33339 of 2011

3. GO Rt. No. 90/Ag dt. 31.03.2023 of the Dy. Secretary to Govt. (Agri), Chief Secretariat (Agriculture), Puducherry

4. PJN/G.O.Ms.22/Pay arrear/Committee Report/2023 dt.18.04.23

In pursuance of the recommendations of the screening committee and on compliance to the verdict of Hon'ble Supreme court of India vide ref.(2) cited, the pay of Dr. S. Muthukumarasamy, Retired Professor (Agricultural Microbiology), one of the appellants of the civil appeal is hereby financially upgraded as detailed below. This financial upgradation is as per directions of the Apex Court Order (ref. 2) and as contemplated in the G.O. cited in ref. (1) above. This order is issued in suppression of all earlier orders issued with reference to pay fixation of the individual.

Date of appointment / induction / redesignation / increment	Designation	Scale of Pay (Pay Commission)	Pay in the pay scale	Remarks
14.09.1990	Assistant Professor	2200-75-2800-100-4000 (IV Pay Commission)	2200	RR 1993 & ICAR-UGC 1986
01.09.1991			2275	Annual increment
01.09.1992			2350	Annual increment
01.09.1993			2425	Annual increment
01.09.1994			2500	Annual increment
11.03.1995	Assistant Professor (Senior Scale)	3000-100-3500-125-5000 (IV Pay Commission)	3000	RR 1993 & ICAR-UGC 1986
01.01.1996		10000-325-15200 (V Pay Commission)	10000	Implementation of V Pay; ICAR-UGC 1996
01.03.1996			10325	Annual increment
01.03.1997			10650	Annual increment
01.09.1997			11300	Two advance increments for acquiring Ph.D.
01.03.1998			11625	Annual increment
27.07.1998	Associate Professor	12000-420-18300 (V Pay Commission)	12840	RR 1999 & ICAR-UGC 1996
01.07.1999			13260	Annual increment

Date of appointment / induction / redesignation / increment	Designation	Scale of Pay (Pay Commission)	Pay in the pay scale	Remarks
01.07.2000			13680	Annual increment
01.07.2001			14100	Annual increment
01.07.2002			14520	Annual increment
01.07.2003			14940	Annual increment
11.03.2004	Professor	16400-450-20900-500-22400 (V Pay Commission)	16400	RR 1999 & ICAR-UGC 1996
01.03.2005			16850	Annual increment
01.01.2006		37400 - 67000 + AGP 10,000 (VI Pay Commission)	40890+10000	Implementation of VI Pay commission
01.07.2006			42420+10000	Annual increment
01.07.2007			44000+10000	Annual increment
01.07.2008			45620+10000	Annual increment
01.07.2009			47290+10000	Annual increment
01.07.2010			49010+10000	Annual increment
01.07.2011			50790+10000	Annual increment
01.07.2012			52620+10000	Annual increment
01.07.2013			54500+10000	Annual increment
01.07.2014			56440+10000	Annual increment
01.07.2015			58440+10000	Annual increment
01.07.2016			60500+10000	Annual increment
01.07.2017			62620+10000	Annual increment
01.07.2018			64800+10000	Annual increment
01.07.2019			67000+10000	Annual increment
01.08.2019		Level 14; Cell 12 (VII Pay Commission)	199600	Implementation of VII Pay commission
01.07.2020			205600	Annual increment
01.07.2021			211800	Annual increment
01.07.2022			218200	Annual increment


DEAN 18/4

To

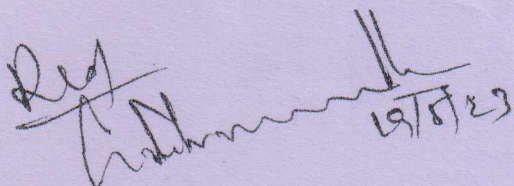
✓ Dr. S. Muthukumarasamy, Professor (Agricultural Microbiology) - Retired

Copy to:

A2 section / Personal file

Copy submitted to

1. The Chief Secretary-cum-Chairman, PAJANCOA (Karaikal) Society
2. The Secretary to Govt. (Agriculture), Govt. of Puducherry


19/5/23

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(49) 82

GOVERNMENT OF PONDICHERY
ABSTRACT

PAJANCOA & RI, Karaikal - Counting of Past Services for benefits under Career Advancement Scheme to 14 Agricultural Officers deputed from Agriculture Department, Pondicherry and absorbed as Assistant Professors - Orders - Issued.

CHIEF SECRETARIAT (AGRICULTURE)

Dt. 10 OCT 2005

88682

G.O. No. 22 / Ag

Read : Letter No.4342/PJN/Estt./E1/Counting of past services/
2004 dt.23/12/2004 of DEAN, PAJANCOA & RI,
Karaikal.



The Dean, PAJANCOA & RI, Karaikal in his letter read above has requested for orders of Government for the counting of past services rendered in Agriculture Department under career advancement scheme to 14 Agricultural Officers of Agriculture Department, Pondicherry who were initially deputed to PAJANCOA & RI, Karaikal, and subsequently absorbed there itself as Assistant Professors. The Governing Body of the PAJANCOA & RI in its XXV meeting held on 13/04/2000 has taken into consideration of the Agenda item No.2 of the said meeting viz., "To Consider and Approve for counting the past service rendered in the Department of Agriculture for promotion" and resolved after detailed discussion, directed the Dean to send to the Administrative Secretariat for scrutiny. The proposal is examined on par with the Agricultural Officers/ Assistant Veterinary Surgeons absorbed in the Tamil Nadu Agricultural University, Coimbatore & Tamil Nadu Veterinary and Animal Sciences University respectively and in consultation with the DP&AR, Pondicherry and therefore the Government has agreed to accept the proposal.

2. Accordingly, Sanction of the Lieutenant Governor of Pondicherry is hereby conveyed for the counting of past continuous services rendered in Agriculture Department, Pondicherry by the 14 Agricultural Officers as detailed below who were initially deputed to PAJANCOA & RI, Karaikal, and subsequently absorbed in the said institution as Assistant Professors for considering them for benefits under Career advancement scheme subject to the fulfillment of Assured Career Advancement Scheme.

Sl. No.	Name	Period of service in the Agri. Department.		Total Period of past services counted for benefits under career advancement scheme. Y-M-D
		From	To	
1.	2.	3.	4.	5.
1.	Dr. J. Ram Mohan	19.11.73	16.04.89	15 04 27
2.	Dr. D. Adiroubane	19.11.73	04.11.90	16 11 15
3.	Dr. G. Mohamed Yassin	22.10.79	14.11.89	10 00 23
4.	Dr. K. Madhazhagan	28.09.81	05.07.90	08 09 07
5.	Dr. P. Pandian	10.06.83	29.09.91	08 03 19
6.	Dr. K. Omar Hattab	20.07.83	02.05.88	04 09 12
7.	Dr. R. Govindarasu	20.07.83	10.08.88	05 00 21

1.	2.	3.	4.	5.
8.	Dr. A. Shaik Alauddin	20.07.83	03.12.89	06 04 13
9.	Dr. S. Muthukumara-Samy	11.03.87	13.09.90	03 06 02
10.	Dr. R. Hariharane	15.04.87	14.11.89	02 06 29
11.	Dr. C. Rettinassababady	22.07.87	31.10.89	02 03 09
12.	Dr. S. Thirumani	22.07.87	10.03.93	05 07 18
13.	Dr. K. Sankar	21.01.91	02.08.92	01 06 02
14.	Dr. A. Pouchepparadjou	11.02.91	04.11.92	01 08 23

3. This issues with the concurrence of Finance Department vide their U. O. No.83059 /2005/F5/A2 Dt.29.9.2005.

By Order of the Lieutenant Governor/

M.V.V. SATYANARAYANA
(M.V.V. SATYANARAYANA)
UNDER SECRETARY TO GOVERNMENT (AGRI.)

To
The Dean, PAJANCOA & RI, Karaikal

Copy to:

- 1) The Finance Department, Pondicherry.
- 2) The Additional Director of Agriculture (Agro.), Pondicherry.
- 3) The individuals Concerned. Through Proper Channel.
- 4) The Director of Accounts and Treasuries, Pondicherry.
- 5) The Deputy Director of Accounts and Treasuries, Karaikal.
- 6) Thiru. Sanjeev Saliya, IAAS, PAG (Audit-I), TN & Pondicherry, Chennai-35.
- 7) Thiru. V.Chandrasekhara Pillai, IAAS, DAG(Audit-I), Pondicherry-3.
- 8) The Webmaster, Web Broad, Dept. of Agriculture, Pondicherry.
- 9) The Central Records Branch, Pondicherry.
- 10) Spare/G.O.

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).9101-9102 of 2017
(Arising out of SLP(C)No(s).33338-33339 of 2011)

DR. J. RAM MOHAN AND ORS. ETC. .

Appellant(s)

VERSUS

DR. K.PARAMASIVAM AND ORS.

Respondent(s)

O R D E R

Leave granted.

We are of the view that as far as financial upgradation is concerned, the appellants shall get the same but shall not have seniority by counting the past service.

With this modification, the appeals are partly allowed.

Pending applications, if any, shall also stand disposed of.

.....J.
(ADARSH KUMAR GOEL)

.....J.
(UDAY UMESH LALIT)

New Delhi,
JULY 14, 2017.

ITEM NO.9

COURT NO.12

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for
Special Leave to Appeal (C) No(s). 33338-33339/2011

(Arising out of impugned final judgment and order dated 12-09-2011
in WAC No. 1467/2009 12-09-2011 in WAC No. 1468/2009 passed by the
High Court Of Madras)

DR. J. RAM MOHAN AND ORS. ETC.

Petitioner(s)

VERSUS

DR. K.PARAMASIVAM AND ORS.

Respondent(s)

(With appln(s) for exemption from filing C/c of the impugned
judgment)

Date : 14-07-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Ms. Meenakshi Arora, Sr. Adv.
Ms. Geetha Kovilan, AOR

For Respondent(s) Mr. R. Venkataramani, Sr. Adv.
Mr. V. G. Pragasaam, AOR
Mr. Prabu Ramasubramanian, Adv.
Mr. Yashraj Singh Bundela, Adv.

Mr. V.M.G. Rama Kannan, Adv.
Mr. S. Aravindhya, Adv.

Mr. T. Harish Kumar, AOR

Mr. Navin Prakash, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

In terms of the signed order, the appeals are partly allowed.

(MAHABIR SINGH)
COURT MASTER

(MADHU NARULA)
BRANCH OFFICER

(Signed order is placed on the file)

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GOVERNMENT OF PUDUCHERRY
(ABSTRACT)

CS(Agriculture) – Release of fifth installment of Grant-in-aid to PAJANCOA & RI, Karaikal for payment of arrears on compliance to the Judgment of Hon'ble Supreme Court in SLP (C) No.33338-33339 of 2011 – Sanction – Issued.

CHIEF SECRETARIAT (AGRICULTURE)

G.O.Rt.No.90/Ag.

Puducherry, dt.31.03.2023

READ: I.D.No.297/DA&FW/B2/2022-23 dated 25.01.2023 of the
Directorate of Agriculture & Farmers Welfare, Puducherry.

ORDER:

Sanction of the Lieutenant Governor, Puducherry is conveyed for the release of ₹ 1,50,00,000/- (Rupees one crore and fifty lakhs only) as fifth installment of Grant-in-aid to the PAJANCOA & RI, Karaikal for payment of arrears on compliance to the Judgment of Hon'ble Supreme Court in SLP (C) No.33338-33339 of 2011. The release of Grant-in-aid is subject to the following conditions:-

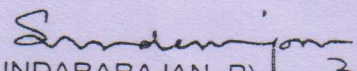
2. The release of Grant-in-aid is subject to the following conditions:

- a) The grants shall be utilized in a time bound manner.
- b) The unspent balance of the previous grants shall be taken into account and shall be shown in the Utilization Certificate.
- c) The interest accrued on the deposit of GIA with bank at the closing of financial year shall be remitted into Government account.
- d) The Society shall get its accounts audited by Chartered Accountants and the audited statements of the financial accounts shall be submitted to Government within six months, from the date of closing of the financial year.
- e) The accounts of the Society shall be open to inspection by the sanctioning authority and audit by the Directorate of Accounts & Treasuries and O/o the Accountant General, Tamil Nadu & Pondicherry.
- f) The Society shall maintain subsidiary accounts of the Government grants as required under Rule 235 of GFR, 2017.
- g) A Certificate of actual utilization shall be furnished, in accordance with Rule 238(1) of GFR, 2017, in Form GFR, 12-A.
- h) Annual Reports of the Society shall be submitted to the Government.
- i) The annual accounts of the grant receiving Society should be completed within 6 months of the end of the financial year.
- j) The Grants-in-aid released for salaries should be drawn on monthly basis i.e. on or after 20th of each month for which the salary is due.
- k) The Society shall also clear the power dues to Electricity Department on regular basis and default on this amount will lead consequential action.

3. The expenditure is debitable to the Head of Account: "2415 – Agricultural Research and Education – 01 – Crop Husbandry–01/277–Education–01/277(02) – Assistance to Agricultural College (PAJANCOA) – 01/277(02)(02) – Karaikal Region – (36) Grant-in-aid Salaries (Charged)" in the Budget / R.E. of the current financial year.

4. This issues with the concurrence of the Finance Department, Puducherry vide their I.D.No.21807/FD/F2/A1/2022-23/FC dated 31.03.2023

/ BY ORDER /


(SUNDARARAJAN. P)
DEPUTY SECRETARY TO GOVERNMENT
(AGRICULTURE)

To
The Director of Agriculture & Farmers Welfare, Puducherry.

Copy to:

1. The Finance Department, Puducherry.
2. The Deputy Director of Accounts & Treasuries, Karaikal.
3. The Additional Director of Agriculture, Karaikal.
4. The Dean, PAJANCOA & RI, Karaikal.
5. The Senior Deputy Accountant General (Audit-II), TN & Puducherry, Puducherry-3.
6. The Central Record Branch, Puducherry.
7. G O file / Spare.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

373

SPECIAL LEAVE PETITION (C) NOS. 33338 and 33339 /
2011

IN THE MATTER OF:


Dr. J. Ram Mohan & Others etc. ... Petitioners

Vs.

Dr. K. Paramasivam & Ors. ... Respondents

COMMON COUNTER AFFIDAVIT FILED BY UNION
TERRITORY OF PUDUCHERRY / RESPONDENTS
NO. 2 TO 4 IN S.L.P.(C) NO. 33338/2011 AND
RESPONDENTS NO. 4 TO 6 IN S.L.P.(C) NO.
33339/2011

1. I, Chetan B Sanghi, son of Dr. V.B. Sanghi, Hindu, aged about 48 years, Chief Secretary to Government of Puducherry, having my office at 1st Floor. Chief Secretariat Complex, Goubert Avenue, Puducherry do hereby solemnly affirm and sincerely state as follows:
2. That I am Respondent No.2 and 4 in the above S.L.P. (C) Nos.33338/2011 and S.L.P.No. 33339/2011 and am fully acquainted with the facts of the case. I am filing this common counter affidavit on behalf of other official Respondents as well. I have read the Special Leave Petition filed by the Petitioner and deny the allegations, averments


CHETAN B SANGHI I.A.S.,
CHIEF SECRETARY TO GOVERNMENT

and contention contained therein save those that are specifically admitted in this counter affidavit.

3. That I submit that the Respondent Institute herein, namely, Pandit Jawaharlal Nehru College of Agriculture and Research Institute (called PAJANCOA&RI), Karaikal was started during the year 1987. It is an Autonomous Institution fully sponsored by the Government of Puducherry and is affiliated to the aforesaid Tamil Nadu Agricultural University (called TNAU), Coimbatore.
4. I submit that both the parties (PAJANCOA&RI and TNAU) executed a Memorandum of Understanding (MOU) on 16.09.1989 in which it is clearly stated in para 11 that *"so far as the appointment of the Teaching staff is concerned, the qualifications and academic standards prescribed by the affiliated University from time to time shall be followed"*.
5. That I submit that the State of Tamil Nadu while constituting and establishing Tamil Nadu Agricultural University (TNAU) annexed all the Research Stations under the control of Department of Agriculture, Tamil Nadu. The Agricultural Officers who were working in the aforesaid Research Stations were absorbed and their past services rendered in the Department of

Agriculture were transferred and counted as qualifying service for pension and other benefits vide G.O.Ms No.483 dated 11.07.1989 of the Agriculture(AU) Department. Further the services of the said Agricultural Officers rendered in the Agricultural Department were also counted for promotion under Career Advancement Scheme (CAS) vide G.O.Ms.No.208 dt.27.03.1989 para (XIV) Explanation (a) at page 6 of the said Order which reads as *"However, the condition in sub para (xi) will be relaxed in respect of the existing persons with post-graduate qualification and who were transferred from the Department of Agriculture to the Tamil Nadu Agricultural University"*. Whereas the aforesaid sub para (xi) would state that every Assistant Professor will be placed in a Senior Scale of Rs.3000-5000 if he/she has:

(a) Completed eight years of service after regular appointment with relaxation as provided in sub para (xiii) above.

(b) Participated in two refresher courses/summer institutes each of approximately four weeks duration or engaged in other appropriate continuing educational programme of comparable quality as may be specified by the UGC.

(c) Consistently satisfactory performance appraisal reports.

Therefore it is quite evident from the above said facts that the TNAU counted the services of the Agricultural Officers rendered in the Agricultural Department for promotion under Career Advancement Scheme (CAS).


6. I submit that during the initial stage formation of the Respondent Institute (PAJANCOA & RI), the Agricultural Officers having Master Degree were drawn on deputation from the Department of Agriculture, Puducherry. Subsequently Recruitment Rules (RR) were framed and communicated by the Deputy Secretary to Government, Chief Secretariat (Agriculture), vide A.12011/1/A1/Ag/ 92 dt. 14.07.1993 and all the willing Agricultural Officers deputed from the Department of Agriculture, Puducherry were absorbed as Assistant Professors. The said RR by which the Agricultural Officers were absorbed, had necessary provision incorporated for counting the past services of Agricultural Officers for promotion under CAS as was done in TNAU by incorporating the G.O.Ms No.208 dt.27.03.1989 of the TNAU in the RR by which the petitioners were absorbed vide page 2 para 14(4) which reads as "*The above said norms are being followed by TNAU for Career*

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*Advancement (CAS) as per G.O.Ms No.208,
Agriculture (AU) Dept. dated 27.03.1989".*

7. I submit that the contention of the four contesting Respondents that the G.O.Ms No.22/Ag dt. 10.10.2005 issued by the Government of Puducherry would affect their service seniority, if the past services of the petitioners are counted for CAS , is untenable and will have no applicability to the contesting Respondents since they were directly recruited as Professors. Their next Cadre post is the Dean post and it is not a promotional post. But it is filled either by direct recruitment or deputation and also it is a tenure post for three years. Therefore the question of consideration and applicability of seniority criteria would not arise since the post of Dean is a non promotional post.

8. I submit that the contention of the directly recruited Professors that their promotional chances to the post of Dean would be affected was also categorically rejected by the learned Single Judge in view of the RR for the post of Dean vide para 97 of his Judgment dated 30.04.2009. Therefore the impugned G.O.Ms No.22/Ag dt 10.10.2005 would not affect their elevation to the post of Dean. Further the said impugned G.O.Ms No.22/Ag dated 10-10-2005 is


CHETAN B SANGHI I.A.S.,
CHIEF SECRETARY TO GOVERNMENT
PUDUCHERRY.

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based on the RR framed vide A.No.12011/1/A1/Ag/92 dt.14.07.1993 for the Respondent Institution. In the said RR provision for counting the past services of the Agricultural Officers was incorporated vide page 2 para 14(4) and (5) for promotion under CAS following norms of the G.O.Ms.208 dt.27.03.1989 of the TNAU. It is pertinent to point out that this part of RR was not under challenge. Though G.O.Ms. No.22/Ag dt. 10.10.2005 was issued at a later date due to administrative reasons, it pertains to the period prior to 1993.

9. I further submit that it is important to note that during 1993 the four contesting Respondents namely, Dr.K.Paramasivam, Dr.A.Baskar, Dr.P.Nasurudeen and Dr.V.Chellamuthu were working in the TNAU. During this period of their service in TNAU, many Agricultural Officers of Tamil Nadu Agricultural Department were transferred to TNAU and their past services as Agricultural Officers rendered in the Agricultural Department were counted by TNAU and promotion were given under CAS as per the norms of G.O.Ms.208 dt.27.03.1989 under the provision of relaxation given vide CAS para (XIV) Explanation (a) at page 6 of the said Order. Therefore having accepted the above rule and practice in TNAU they are estopped from
- /

challenging the impugned G.O. in the case of Respondent Institute.

10. I submit that the four contesting Respondents were directly recruited as Professors in the Respondent Institution during 2000 only. Whereas, the benefits provided in the RR dated 14-07-1993 of the Respondent Institution for counting the past services of Agricultural Officers are in existence even before the entry of the above four Respondents later in 2000. Therefore even though the G.O.Ms No.22/Ag dt. 10.10.2005 was issued at later date due to administrative reasons it is not at all a newly introduced condition of service. But in any event the benefits extended by the G.O.Ms No.22/Ag dt. 10.10.2005 would not affect the interest of four Respondents in elevating themselves to the next post of Dean. As such their grievance is purely imaginary having no relevance to the appointment to the higher post of Dean and on this ground alone their writ petitions should have been dismissed in limine.
11. I submit that the Tamil Nadu Government issued G.O.Ms.208 dt.27.03.1989 in order to consider the past services of the Agricultural Officers transferred to TNAU as qualifying service for promotion under CAS in TNAU even though the Agricultural officer's post is not equivalent to

Assistant Professors post. In the said G.O.Ms, necessary relaxation were provided under CAS vide Explanation in sub para (a) of the Para (XIV).

12. I submit aforesaid similar situation has prevailed in the Respondent Institution also. The Government of Puducherry therefore considering this situation framed the RR during 1993 by duly incorporating the aforesaid G.O.Ms No.208 dt.27.03.1989 of the Tamil Nadu under CAS. As the Dean of the Respondent Institution has sought the Government orders for implementation of CAS by counting the past services of the Agricultural Officers, the Government of Puducherry has taken a policy decision as one time measure and the G.O.Ms No.22/Ag dt. 10.10.2005 had been issued by exercising discretionary powers of the Government in conformity with the RR already in force.
13. I further submit that the decision taken in the XXXIX meeting held on 28.01.2011 under Agenda item No.5 would state that the TNAU had implemented only pay fixation following the UGC guidelines and not for the CAS and also that it was decided that PAJANCOA&RI to follow the TNAU norms for all purposes in this regard. This clearly indicates that the PAJANCOA &RI would like to stick to its earlier decision consistently by


following the CAS norms of TNAU in the Respondent Institution also.

14. I submit that the University Grants Commission (UGC) norms will have no application to the respondent institution. The PAJANCOA (Karaikal) Society, by virtue of the resolution adopted by it, has accepted to apply the rules and regulations of the TNAU to the governance of the fourth respondent college (PAJANCOA & RI) as per the memorandum of understanding and, therefore, the question of application of UGC norms will not arise. I submit that the UGC norms do not apply to the fourth respondent college in as much as the ICAR has in consideration of the UGC Regulations framed its own rules and regulations and made them applicable to all the Agricultural Colleges and Research Institutions all over India, and the fourth respondent college being one such college and research institute and affiliated to TNAU, the UGC norms will have no application to the fourth respondent college.

15. I submit and state that no new facts or averments have been made that have not been agitated before the Courts below. I further state that the annexure/ documents annexed to the counter affidavit are true copies of their respective originals.

16. In view of the above facts and circumstances, the impugned order passed by the High Court is not sustainable in law and liable to be set aside thus warranting the interference of this Hon'ble Court.

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DEPONENT
CHETAN B SANGHI I.A.S..
CHIEF SECRETARY TO GOVERNMENT
PUDUCHERRY.

Verification

I, the deponent do hereby verify that the averments stated herein above are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

Verified at Puducherry on this the day of

2015


DEPONENT
CHETAN B SANGHI I.A.S..
CHIEF SECRETARY TO GOVERNMENT
PUDUCHERRY.

Before me



V. GOVINDARADJOU, B.Sc., B.L.,
ADVOCATE & NOTARY,
Enrolment No.: 550/85,
353, MAHATHMA GANDHI ROAD,
PONDICHERRY - 605 001.

No: PJN/Estt/123/G.O.Ms.22/2023/

Dt.03.04.2023

OFFICE ORDER

Sub: PJN – Estt (i) – Constitution of Committee to prepare the
Arrear statements and Pay fixation orders in compliance
With the Judgment of Hon'ble Supreme Court in SLP (C)
No.33338-33339 of 2011 – Orders – Issued.

Ref: G.O.Rt.No.90/Ag dated 31.03.2023 of The Dy. Secretary to
Govt. (Agri), Chief Secretariat (Agriculture), Puducherry.

Government of Puducherry released fifth instalment of Grant in Aid for payment of arrears to teaching faculties on compliance to the Judgment of Hon'ble Supreme Court in SLP (C) No.33338 -33339 of 2011 vide ref. cited. In this regard, a committee has been formulated with the following teaching faculties / non-teaching staff to prepare the exact due drawn arrear statements, pay fixation statements and ensure the correctness of the same in light of the relevant UGC / ICAR Regulations.

SL.No.	Name & Designation	Role
1	Dr.N.Swaminathan, The Professor and Head (Agricultural Economics & Extension)	Chairman
2	Dr.R.Poonguzhalan, Professor, Department of Agronomy	Member
3	Thiru.G.Ramakrishnan, Junior Accounts Officer, Office of the Dean	Member
4	Tmt.S.Meenatchi Sundaram, UDC, Office of the Dean	Member
5	Tmt.G.Malathy, Data Entry Operator, Office of the Dean	Member


(Dr. A. POUCHEPPARADJOU)
DEAN

To
The Individual concerned.

Copy to:

1. The Junior Accounts Officer, Office of the Dean, PAJANCOA&RI
2. Spare copy

No. 418, PJN, 11/2023

Date: 18.04.2023

OFFICE ORDER

Sub: PAJANCOA & RI - Karaikal - Estt. - Dr. D. Adiroubane - Fixation of Pay -
Orders - Issued.

Ref: 1. GO Ms. No. 22/Ag dt. 10.10.2005

2. Order of the Supreme court in SLP (C) No.33338-33339 of 2011

3. GO Rt. No. 90/Ag dt. 31.03.2023 of the Dy. Secretary to Govt. (Agri), Chief
Secretariate (Agriculture), Puducherry

4. PJN/G.O.Ms.22/Pay arrear/Committee Report/2023 dt.18.04.23

In pursuance of the recommendations of the screening committee and on compliance to the verdict of Hon'ble Supreme court of India vide ref.(2) cited, the pay of Dr. D. Adiroubane, Retired Professor (Agricultural Entomology), one of the appellants of the civil appeal is hereby financially upgraded as detailed below. This financial upgradation is as per directions of the Apex Court Order (ref. 2) and as contemplated in the G.O. cited in ref. (1) above. This order is issued in suppression of all earlier orders issued with reference to pay fixation of the individual.

Date of appointment / induction / redesignation / increment	Designation	Scale of Pay (Pay Commission)	Pay in the pay scale	Remarks
05.11.1990	Assistant Professor	2200-75-2800-100-4000 (IV Pay Commission)	2200	RR 1993 & ICAR-UGC 1986
06.11.1990	Assistant Professor	3000-100-3500-125-5000 (IV Pay Commission)	3000	RR 1993 & ICAR-UGC 1986
07.11.1990	Assistant Professor (Senior Scale)	3700-125-4950-150-5700 (IV Pay Commission)	3700	RR 1993 & ICAR-UGC 1986
01.11.1991	Assistant Professor (Selection Grade)		3825	Annual increment
01.11.1992			3950	Annual increment
01.11.1993			4075	Annual increment
01.11.1994			4200	Annual increment
01.11.1995			4325	Annual increment
01.01.1996		12000-420-18300 (V Pay Commission)	14940	Implementation of V Pay: ICAR-UGC 1996
01.11.1996			15360	Annual increment
01.11.1997			15780	Annual increment

Date of appointment / induction / redesignation / increment	Designation	Scale of Pay (Pay Commission)	Pay in the pay scale	Remarks
29.05.1998	Associate Professor	12000-420-18300 (V Pay Commission)	16620	Two advance increments for acquiring Ph.D.
27.07.1998	Professor	16400-450-20900-500-22400 (V Pay Commission)	17300	RR 1999 & ICAR-UGC 1996
01.07.1999			17750	Annual increment
01.07.2000			18200	Annual increment
01.07.2001			18650	Annual increment
01.07.2002			19100	Annual increment
01.07.2003			19550	Annual increment
01.07.2004			20000	Annual increment
01.07.2005			20450	Annual increment
01.01.2006		37400 – 67000 + AGP 10,000 (VI Pay Commission)	46050+10000	Implementation of VI Pay commission
01.07.2006			47740+10000	Annual increment
01.07.2007			49480+10000	Annual increment
01.07.2008			51270+10000	Annual increment
01.07.2009			53110+10000	Annual increment
01.07.2010			55010+10000	Annual increment
01.07.2011			56970+10000	Annual increment
01.07.2012			58980+10000	Annual increment

DEAN

To

Dr. D. Adiroubane, Professor (Agrl. Entomology) - Retired

Copy to:

✓ A2 section / Personal file

Copy submitted to

1. The Chief Secretary-cum-Chairman, PAJANCOA (Karaikal) Society
2. The Secretary to Govt. (Agriculture), Govt. of Puducherry

**PANDIT JAWAHARLAL NEHRU COLLEGE OF AGRICULTURE AND
RESEARCH INSTITUTE, KARAİKAL.**

No.PJN/G.O.Ms.22/Pay arrear/ Committee report/2023

Dt. 18.04.2023

NOTE

Sub: Pay arrear - Report of the Committee – Submitted – Reg.

Ref: i. Office Order No. PJN/Estt/123/G.O.Ms22/2023 dated
03.04.2023.

ii. Order of the Supreme Court in SLP (C) No.33338-33339 of
2011.

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This file relates to submission of report by the committee constituted to prepare the due drawn arrear statements, pay fixation statements according to relevant UGC/ ICAR regulations to the seven Appellants on compliance to the judgment of the Hon'ble Supreme Court in SLP (C) No.33338-33339 of 2011.

2. The committee prepared the due drawn statement for the seven appellants of SLP (C) as per the 1993 Recruitment Rules, UGC – CAS 1996 norms (w. e .f. 27.07.1998) and as per V, VI and VII CPC. The different dates of Financial Upgradation of the said appellants is furnished in **Annexure-I**

3. Further, the draft pay fixation orders for the seven appellants have been prepared as per the apex court order and enclosed herewith for the approval of the Dean

4. The due drawn statements and pay fixation have been worked out based on the available records in the Office of the Dean. The abstract of arrear to be paid to the seven Appellants is furnished in **Annexure-II**.

5. It is requested to cross check the above before issuing the Office Order and disbursement of arrears.

5. Submitted .

G. Malathy
18/4/23

G. Malathy
(DEO -Member)

S. Meenatchi Sundaram
18/4/23

S. Meenatchi Sundaram
(UDC-Member)

G. Ramakrishnan

G. Ramakrishnan
(JAO -Member)

B. Poonguzhalan
18/4/23

Dr. R. Poonguzhalan
(Professor - Member)

M. N. Swaminathan
18/4/23

Dr. N. Swaminathan
(Professor & Head -Chairman)