

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.02.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.31789 of 2014

Dr.Sita Naidu

.. Petitioner

Vs.

1. The Vice Chancellor

The Post Graduate and Research Institute
Dakshin Bharat Hindi Prachar Sabha
Thanikachalam Road, Chennai -17

2. The Registrar,

The Post Graduate and Research Insitute
Dakshin Bharat Hindi Prachar Sabha
Thanikachalam Road, Chennai -17

..Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of mandamus directing the respondents to consider the representation sent by the petitioner dated 19.5.2014 and to reappoint the petitioner to her last retired post to avail benefit of extension of retirement age from 58 to 62 years.

For Petitioner: Mr.K.Krishnamoorthy
for M/s. Swaminathan Associates

For Respondents: Mr.Balan Hariddas

O R D E R

The petitioner worked as Principal in Dr.Moturi Satyanarayana College of Education, Vijayavada, coming under the management of The Dakshin Bharat Hindi Prachar Sabha, Chenani. The age of retirement originally was 58 years. According to the petitioner, the second respondent has taken a decision to enhance the age of retirement from 58 to 62 years. The petitioner in the normal course will retire on 31.7.2014. The second respondent sent a format to the petitioner to apply for extension of service from 58 to 62 years. The petitioner duly complied with the said direction. However, follow up action was not taken by the respondents. The petitioner therefore submitted an application on 19.5.2014. However, orders were not passed by the respondents resulting in filing this writ petition.

2. The second respondent has filed a counter affidavit indicating that the benefits of extension of retirement age from 58 to 62 years will be confined to teaching staff, who are holding teaching position. According to the second respondent, the resolution did not apply to the case of the petitioner and as such, she has to retire at the age of 58.

3. The learned counsel for the petitioner by placing reliance on the resolution passed by the first respondent contended that the respondents have increased the retirement age of staff and as such, the petitioner is entitled to work up to 62 years. The learned counsel therefore wanted a direction to the respondents to permit her to work till the age of 62.

4. The learned counsel for the respondents on the other hand submitted that the resolution in question was confined to the teaching staff who are holding posts in the teaching position in the Post Graduate Centres of the Sabha and as such, there is no question of extending the benefit to the petitioner.

5. The petitioner made a claim of extension of service on the basis of the proforma sent by the respondent. The petitioner submitted application for extension of service. The respondents have not passed any orders pursuant to the said application. It is only in the counter affidavit, the respondents have taken up a contention that the benefit of extension of service would not be given to the petitioner in view of the nature of post occupied by her.

6. The question as to whether the petitioner is entitled to extension of service is essentially a matter to be decided by the respondents.

7. The petitioner is placing reliance heavily on the resolution passed by the Sabha in its meeting held on 8.3.2014. AGENDA No.1 with respect to the said meeting shows that the resolution was to increase the retirement age of academic staff. The resolution is now interpreted by the second respondent to the effect that it would be applicable to the teachers, who are holding teaching position in the Post Graduate Centers of the Sabha.

8. There is nothing on record to show that the second respondent has passed an order pursuant to the application submitted by the petitioner dated 19.5.2014.

9. The second respondent is directed to consider and dispose of the application submitted by the petitioner in the light of the resolution and the relevant regulations. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

10. The writ petition is disposed of with the above direction.
No costs.

Sd/-
Deputy Registrar (Judicial)

/true copy/

Sub Asst. Registrar

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To

1. The Vice Chancellor
The Post Graduate and Research Institute
Dakshin Bharat Hindi Prachar Sabha
Thanikachalam Road, Chennai -17
2. The Registrar,
The Post Graduate and Research Institute
Dakshin Bharat Hindi Prachar Sabha
Thanikachalam Road, Chennai -17

1 cc to Mr.Balan Haridos, Advocate, sr. 10715

W.P.No.31789 of 2014

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