

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.22169 of 2015

and

M.P.No.1 of 2015

Dr.P.Thambidurai

...Petitioner

Vs.

The Bharathiar University,
rep.by its Registrar,
Maruthmalai Road,
Coimbatore - 641 046.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus to direct the respondent University to settle the petitioner terminal benefits for the service rendered by the petitioner in the post of Professor as per orders of this Court in W.P.No.47095 of 2002 within a time frame together with an interest of 12% per annum from the date it becomes due.

For Petitioner : Mr.M.V.V.Govardhan
for M/s.Row and Reddy

ORDER

The petitioner was employed in the respondent University from 1989 onwards. The petitioner was terminated from service by an order dated 13.12.2002. The petitioner filed W.P.No.47095 of 2002 questioning the termination order. This Court passed order dated 7.3.2013 in W.P.No.47095 of 2002 modifying the order of termination into that of compulsory retirement and also directed to settle all terminal benefits accordingly.

2. According to the petitioner, the order dated 7.3.2013 in W.P.No.47095 of 2002 has attained finality and no appeal is preferred. The grievance of the petitioner is that in these

circumstances he shall be paid terminal benefits from the date of his termination treating the same as compulsory retirement along with interest for belated settlement of terminal benefits.

3. The petitioner made a representation dated 13.5.2014 to the respondent in this regard. In view of the nature of relief sought for in the writ petition, a direction is hereby issued to the respondent to pass orders on the representation dated 13.5.2014 made by the petitioner for terminal benefits in the light of the facts stated above within a period of twelve weeks from the date of receipt of a copy of this order and a further direction is issued to the respondent to consider the claim for interest under the rules of the respondent University and if there are no rules for granting interest for the belated settlement of terminal benefits, the respondent University is directed to consider the claim for interest as per the judgment of the Division Bench of this Court in the case of Government of Tamil Nadu Vs. M.Deivasigamani, (2009(3) MLJ 1).

4. The writ petition is disposed of accordingly. However, there is no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

The Registrar,
Bharathiar University,
Maruthmalai Road,
Coimbatore - 641 046.

1 CC to M/s.Row and Reddy, Advocate SR.No. 37942

W.P.No.22169 of 2015

CTK (CO)
PSI (13.08.2015)