

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 06.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.24012/2015

P.Shanmugasundaram

...Petitioner

Versus

1. The Secretary
CBM College
Coimbatore 641042.

2. The Principal
CBM College
Coimbatore 641042.

3. The Regional Joint Director of Collegiate Education
Coimbatore Region,
Coimbatore 641018.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents to pay 18% interest per annum to the petitioner for the delayed disbursal of all terminal benefits.

For Petitioner : Mr.R.Subramanian

For Respondents : Mr.R.Vijayakumar,
AGP for R2 & R3

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner would state that he joined the services of the office of the 1st respondent as Assistant Professor in the Department of History on 21.09.1983 and was given promotion as Selection Grade Lecturer on 27.07.1998 and was re-designated as Associate Professor on 01.01.2006 and he continued to serve in that

capacity till the date of his retirement on 31.12.2011. The petitioner, prior to his retirement, submitted an application enclosing Medical Fitness Certificate to the 1st respondent with a request to forward his re-employment proposal to the authorities concerned, seeking re-employment from 01.01.2012 to 31.05.2012. It was followed by a reminder dated 18.11.2011. The said representations were not given disposal and the petitioner filed WP.No.29488/2011 praying for issuance of a writ of mandamus directing the concerned respondents to allow the petitioner to continue in service till the end of the academic year. Thereafter, the Regional Joint Director of Collegiate Education, vide proceedings dated 27.12.2011, directed the 1st respondent to continue the service of the petitioner till the end of the academic year. The petitioner would further state that, however the 1st respondent did not keep up his promise and the petitioner did not receive any order of re-employment. However, the petitioner was removed from service with retrospective effect on 31.12.2011. The petitioner challenging the legality of the said order, filed WP.No.10314/2012 and interim order was granted by this Court and in spite of it, the 1st respondent did not permit the petitioner to join duty. Ultimately, the writ petition was allowed and the order of the 1st respondent was quashed and it has been further held that the petitioner was entitled to the consequential benefits such as re-employment salary etc. for the period from 01.01.2012 to 31.05.2012. It was paid only on 31.12.2012. The grievance expressed by the petitioner is that in spite of the fact that the Government of Tamil Nadu has extended the benefit of liberalized pension scheme to the teaching staff in G.O.Ms.No.1438, Education Department, dated 29.07.1980, he has not been conferred with such a benefit. In this regard, the petitioner has repeatedly communicating the concerned authorities to take into consideration the said Government order and confer him with such benefit and since no response is forthcoming, he came forward with this writ petition.

3. Heard the learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

4. Though the petitioner has prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the same, directs the 3rd respondent to consider and dispose of the petitioner's representation dated 21.04.2015 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

5.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Secretary
CBM College
Coimbatore 641042.
2. The Principal
CBM College
Coimbatore 641042.
3. The Regional Joint Director of Collegiate Education
Coimbatore Region,
Coimbatore 641018.

1 CC to Mr.R.Subramanian, Advocate SR.No. 40907

1 CC to the Government Pleader, SR.No. 40949

सत्यमेव जयते

W.P.No.24012/2015

TS (CO)

PSI (20.08.2015)

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