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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Appeal(MD) No.1229 of 2015

K.Murugesan

... Appellant/Petitioner

Vs.

1.The Principal Secretary to Government,
Higher Education Department,
Secretariat, Chennai 9.

2.The Principal Secretary/
Commissioner of Technical Education,
Directorate of Technical Education,
Chennai 600 025.

3.Virudhunagar S.Vellaichamy Nadar
Polytechnic College,
Rep by its Principal, Virudhunagar.

4.The Chairman,
Governing Council of Virudhunagar
S.Vellaichamy Nadar Polytechnic College,
Virudhunagar.

... Respondents/Respondents

Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 16.06.2015 made in W.P.(MD)No.9614 of 2015.

Prayer in WP(MD). 9614/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the Respondents 1 and 2 to pay Rs. 40,00,000/- (Rupees forty lakhs only) as a compensation to the petitioner for the illegal method followed towards the Petitioner Voluntary Retirement Service from the 3rd and 4th Respondents College.

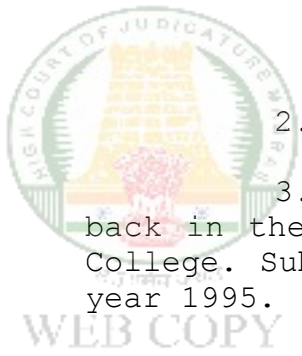
For Appellant : Mr.A.C.Asaithambi

For Respondents 1&2 : Mr.V.R.Shanmuganathan,
Special Government Pleader.

JUDGMENT

(Judgment of the Court was delivered by V.RAMASUBRAMANIAN,J)

This appeal arises out of the dismissal of a writ petition filed by the appellant seeking compensation on the ground that he was forced to go on voluntary retirement.



2. Heard Mr. A.C. Asaithambi, learned counsel for the appellant.

3. The appellant was originally appointed temporarily as Peon way back in the year 1980 by the Governing Council of the fourth respondent College. Subsequently, he was promoted to the post of Lab Attender in the year 1995.

4. On 20.07.2011, the appellant submitted a letter of resignation. However, claiming that the said letter was forcibly obtained from him, he made representations to the official respondents. As a consequence, the third and fourth respondents College took him back into service. Thereafter, the appellant went on medical leave and submitted a letter dated 27.01.2012 seeking to go on voluntary retirement. After the expiry of the period of three months, the appellant was relieved. Thereafter, the appellant came up with a writ petition in W.P(MD)No.15646 of 2012, seeking a writ of mandamus to direct the respondents to disburse the retirement and other monetary benefits together with 18% interest per annum. The said writ petition was withdrawn by the appellant and hence, it was dismissed on 15.03.2015.

5. Thereafter, the appellant came up with a fresh writ petition in W.P(MD)No.9614 of 2015 seeking compensation to the extent of Rs.40 lakhs on the ground that he was forced to go on voluntary retirement. This writ petition was dismissed by the learned Judge forcing the appellant to come up with the above appeal.

6. The appellant has too many difficulties, both technical as well as on merits. On merits, he never challenged the acceptance of the letter of voluntary retirement, despite claiming that it was forcibly obtained from him. Even the claim that the letter was forcibly obtained was made by him after three years.

7. In the first writ petition, the appellant merely wanted the terminal benefits. After withdrawing the writ petition, he has come up with a claim for compensation on the ground that the voluntary retirement was forced upon him. Therefore, both on merits and on technical grounds, the learned Judge was perfectly justified in dismissing the writ petition.

8. We do not find any reason to interfere with the order of the learned Judge. As a matter of fact, the learned Judge expressed the opinion that the writ petition deserved to be dismissed with costs. But the learned Judge took a lenient view. Therefore, the appellant can have no cause to complain. Hence, the writ appeal is dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar



To

1.The Principal Secretary to Government,
Higher Education Department,
Secretariat,
Chennai 9.

2.The Principal Secretary/
Commissioner of Technical Education,
Directorate of Technical Education,
Chennai 600 025.

+1cc to The Special Government Pleader, Madurai. SR.No.67354

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