



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:10.02.2016

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.2884 of 2016

V.Ramasamy

... Petitioner

Vs.

1.Manonmaniam Sundaranar University,
Represented by
The Registrar,
Abishekappatti,
Tirunelveli - 627012.

2.The Secretary,
Higher Education Department,
Government of Tamilnadu,
Fort St. George,
Chennai - 600 009.

3.The Assistant Director,
Local Fund Audit,
Tirunelveli.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to place the petitioner's appeal, dated 13.04.2015 before the Syndicate and consequently direct the Syndicate to pass orders on the said appeal in accordance with G.O.Ms.No.402, dated 13.12.2006, within a time frame to be fixed by this Court.

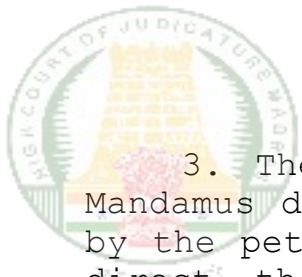
For Petitioner	: Mrs.D.Geetha
For R-1	: Mr.Mohammed Athiff for M/s.Ajmal Associates
For R-2	: Mr.T.R.Janarthanam, Additional Government Pleader

ORDER

Mr.Mohammed Athiff, learned counsel for M/s.Ajmal Associates, takes notice for the first respondent and Mr.T.R.Janarthanam, learned Additional Government Pleader takes notice for the second respondent.

<https://hcservices.ecourts.gov.in/hcservices/>

2. By consent of parties, the main Writ Petition is taken up for final disposal.



3. The Writ Petition has been filed seeking for a Writ of Mandamus directing the first respondent to place the appeal filed by the petitioners dated 13.04.2015 before the Syndicate and to direct the Syndicate to pass orders on the said appeal in accordance with G.O.Ms.No.402, dated 13.12.2006, within a time frame.

4. The case of the petitioner is that he is an employee of the first respondent University and after the retirement, the first respondent issued a letter to the petitioner, dated 17.03.2015, stating that his pay was refixed and recovery shall be made as per the letter issued by the third respondent, dated 17.04.2014 and on the basis of the letter issued by the second respondent, dated 25.09.2013. It is stated by the petitioner that his pay was fixed in accordance with the Rules and Regulations in force in the first respondent University and the pay fixation was also approved by the Syndicate, which is the administrative head of the University. While so, the first respondent had refixed the pay of the petitioner from 01.01.2004 till the date of superannuation namely 31.03.2015.

5. According to the petitioner, the letter of the first respondent is bereft of any particulars about the pay fixation. Following the above said order, dated 17.03.2015, the terminal benefits namely pension, gratuity and encashment of earned leave had not been granted. Since, there was no notice before refixation of the pay scale and the alleged recovery, the petitioner alleges the letter dated 17.03.2015 as arbitrary, which is in violation of principles of natural justice. Hence, the petitioner has come forward with the above Writ Petitions.

6. Heard the submissions made on both sides.

7. Considering the above stated facts and circumstances, the first respondent is directed to place the petitioner's appeal dated 13.04.2015, before the Syndicate, within a period of two weeks from the date of receipt of a copy of this order and direct the Syndicate to pass orders on the appeal filed by the petitioners in accordance with G.O.Ms.No.402, dated 13.12.2006, within a period of eight weeks thereafter.

With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar



To

1.The Registrar,
Manonmaniam Sundaranar University,
Abishekappatti,
Tirunelveli - 627012.

2.The Secretary,
Higher Education Department,
Government of Tamilnadu,
Fort St. George, Chennai - 600 009.

3.The Assistant Director,
Local Fund Audit,
Tirunelveli.

+One cc to M/s.D.Geetha , Advocate, SR.No.8018

+One cc to M/s.Ajmal Associates, Advocate, SR.No.8505

+One cc to The Special Government Pleader, SR.No.8136

pm

RL/7C/PM/MP/17/2/2016

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