



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2016

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) No.3982 of 2016

and

W.M.P(MD)Nos.3573 to 3575 of 2016

M.Malathy

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep by its Principal Secretary to Government,
Higher Education Department,
Chennai.
2. The Director of Local Fund Audit Department,
Kuralagam, Chennai 600 108.
3. The Regional Joint Director,
Trichirappalli Corporation Water Tank Complex,
1st Floor, Dindigul Road,
Trichirappalli 620 001.
4. The Assistant Director,
Local Fund Audit Department,
Bharathidasan University,
Palkalaiperur,
Tiruchirappalli 620 024.
5. The Bharathidasan University,
Rep by its Registrar,
Palkalaiperur,
Tiruchirappalli 620 024.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of 1st respondent in Letter (Ms)No.174 dated 25.09.2013 and the impugned proceedings 2nd respondent in Na.Ka.No.7697/Pa.Ka.Tha2/2015 dated 27.03.2015 and the impugned proceedings of 3rd respondent in Na.Ka.No.543/A2/2015 dated 28.03.2015 and the impugned proceedings of 4th respondent in Na.Ka.No.265/A2/2015 dated 09.09.2015 quash the same and consequently direct the respondents to clear the audit objections raised by them in their impugned proceedings.

For Petitioner

: Mr.S.Manikandan

For Respondents

1-4

: Mr.M.Murugan,
Government Advocate.For 5th Respondent: Mr.V.R.Shanmuganathan,
Special Government Pleader.

**ORDER**

The petitioner is the wife of erstwhile employee of the fifth respondent University who was employed as a Sweeper died on 05.03.2015.

2. According to the petitioner, she has submitted a representation before the fifth respondent to disburse the pensionary benefits. The fifth respondent forwarded the said representation to the fourth respondent by his proceedings dated 07.08.2015.

3. It is stated that the fifth respondent university resolved to re-fix the pay scale subject to the service conditions of the statute of the university notionally from the date of their completion of 15 years of service. In this regard, audit objections were raised by the fourth respondent with respect to the upgradation. The said audit objections were only for the fifth respondent University and not for the Bharathiyar University which also had earlier adopted G.O.Ms.No.130, dated 03.06.1994 for upgradation. While so, Bharathidasan University Staff Welfare Association had given a representation stating that no such objections were raised for Bharathiyar University and the payments were made on the upgradation. While so, the second respondent informed the fourth respondent that G.O.Ms.No.130, dated 03.06.1994 is applicable only to Secretariat staff and that therefore, based on the said Government Order, fixation of upgraded pay in the fifth respondent university is wrong and therefore, pension certificate cannot be issued in the upgraded pay. Aggrieved over the said proceedings, the Bharathidasan University Staff Welfare Association has filed a writ petition in W.P(MD)No.8304 of 2015 and this Court while entertaining the said writ petition granted an order of interim stay of the above said proceedings.

4. In the meanwhile, the petitioner's husband died on 05.03.2015. It is stated that the petitioner had made request to the respondents to disburse family pension which was sent to the fourth respondent by the fifth respondent.

5. Mr. V. R. Shanmuganathan, learned Special Government Pleader appearing for the University contended that the interim order of stay granted in W.P(MD)No.8305 of 2015 is still in force and therefore, the University would disburse the family pension to the petitioner subject to the outcome of the said writ petition.

6. In view of the above, the fifth respondent is directed to send the proposals to the fourth respondent Department and do the needful for disbursing the family pension to the petitioner which is subject to the outcome of the said writ petition. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. No costs. Consequently, W.M.P(MD)Nos.3573 to 3575 of 2016 are closed.

Sd/-

Assistant Registrar (AE)



To

1. The Principal Secretary to Government,
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 3. The Regional Joint Director,
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 4. The Assistant Director,
Local Fund Audit Department,
Bharathidasan University,
Palkalaiperur,
Tiruchirappalli 620 024.
 5. The Registrar,
Bharathidasan University,
Palkalaiperur,
Tiruchirappalli 620 024.
- + 1 CC TO MR.S.MANIKANDAN, ADVOCATE IN SR NO. 10869

SMS

TE/SK-SKN/ : 10/03/2016 : 3P/7C

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