

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.06.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE Mr.JUSTICE RMT.TEEKAA RAMAN

W.A.No.639 of 2017
and
C.M.P.No.8852 of 2017

The Director of Technical Education,
Office of Directorate of Education,
Guindy, Chennai - 600 025.

..Appellant/1st Respondent

Vs.

1. Major V.Govindarajalu, ..1st Respondent/Petitioner
2. The Governing Council
Vallivalam Desikar Polytechnic
Educational Society,
No.117, Raja Rani Complex,
Neela South Street,
Nagapattinam - 611 001. ...2nd Respondent/2nd Respondent
3. Vallivalam Desikar Ploytechnic College,
Rep. by its Chairman,
No.117, Raja Rani Complex,
Neela South Street,
Nagapattinam - 611 001. ...3rd Respondents/3rd Respondent

Prayer: This Writ Appeal filed under clause 15 of the Letter Patent Act against the order dated 23.11.2016 made in W.M.P.No.31723 of 2016 in W.P.No.36940 of 2016.

Prayer in W.M.P.No.31723 of 2016:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an interim direction directing the respondents 1 to 3 to pay terminal/Retirement benefits payable to the petitioner on account of the compulsory retirement pending disposal of the above W.P.No.36940 of 2016.

Prayer in W.P.36940 of 2016:

Writ Petition filed to issue a Writ of Certiorarified Mandamus after Calling for the records from the 3rd respondent relating to the order dated 23.10.2013 read with 30.10.2013 both bearing reference No. 197/A3/2011 and quash the same as illegal

arbitrary perverse beyond jurisdiction and consequently direct the respondents 1 to 3 to reinstate the petitioner back into service as Principal of the 1st and 2nd respondent Institution pay arrears of salary from 04.03.2011 and other service benefits which the petitioner would have drawn/entitled had he not be suspended/Compulsorily retired together with interest at the rate of 15% per annum.

For Appellant : Mr. T.N.Rajagopalan,
Special Government Pleader

For R1 : Mr.N.G.R.Prasad
for M/s.Row & Reddy

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned Special Special Government Pleader appearing for the appellant and Mr.N.G.R.Prasad, learned counsel, who takes notice on behalf of the first respondent.

2. As against the interim order dated 23.11.2016, passed by the learned Single Judge directing to pay terminal/retirement benefits payable to the writ petitioner on account of compulsory retirement, within four weeks, the present writ appeal has been filed.

3. One of the grounds raised by the Government is that as per the management, there is a misappropriation of funds committed by the first respondent herein.

4. On the other hand, it is submitted by the learned counsel appearing for the first respondent that the entire amount which was paid by the Government was remitted to the account of the Administrator and even as per the enquiry report, the first respondent has taken a stand that he has nothing to do with the misappropriation and other things as monetary aspects were exclusively dealt with by the Administrator alone.

5. It appears that while exercising the discretion, the learned Single Judge while directing the appellant herein to pay the terminal/retirement benefits, made it clear that it would not confer any equity on the writ petitioner. Therefore, the interim order passed by the learned Single Judge does not call for interference at this stage. However, it is for the appellant to take all defences in the main matter which is pending consideration before the learned Single Judge and seek for early disposal of the main case itself.

6. The writ appeal is disposed of accordingly. No costs.
The connected miscellaneous petition is dismissed.

-s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To:

1. The Director of Technical Education,
Office of the Directorate Of Education
Guindy, Chennai 600 025.
2. The Governing Council
Vallivalam Desikar Polytechnic Educational Society,
No.117, Raja Rani Complex,
Neela South Street, Nagapattinam - 611 001.
3. The Chairman
Vallivalam Desikar Polytechnic College,
The Chairman,
No.117, Raja Rani Complex,
Neela South Street, Nagapattinam - 611 001.

+1 CC to Mr. Row & Reddy, Advocate sr 41674
+1 CC to Govt. Pleader sr 42058

W.A.No.639 of 2017

SKS (CO)
sp(07/07/2017)

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