

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2017

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.1238 of 2013

M.Somasundaram

... Petitioner

Vs

1. Annamalai University
Rep. by its Registrar
Annamalai Nagar 608 002.
2. The Dean
Rajamuthiah Medical College and Hospital
Annamalai University
Annamalai Nagar 608002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of The Constitution of India praying to issue a writ of Mandamus directing the 1st respondent University to pay Gratuity, Pension, Arrears of Pension, Commuted Value of Pension on the basis of the revised scale of pay as applicable to the petitioner after the implementation of the recommendations of the VI pay commission as per gratuity cum pension cum provident fund cum Insurance cum family pension scheme for Teachers , framed by the 1st respondent University along with interest at the rate of 18% per annum.

For Petitioner : Mr.Balan Haridas

For Respondents: Mr.V.R.Kamalanathan
For R1 & R2)

O R D E R

The relief sought for in this writ petition is for a direction to the first respondent University to pay Gratuity, Pension, Arrears of Pension, Commuted Value of Pension on the basis of the revised scale of pay as applicable to the petitioner after the implementation of the recommendations of the VI pay commission as per Gratuity cum Pension cum Provident Fund cum Insurance cum Family Pension Scheme for

Teachers, framed by the first respondent University along with interest.

2. The learned counsel appearing for the petitioner states that the writ petitioner was holding the post of Professor (Physiology) and retired from service on 30.06.2006 on attaining the age of superannuation. However, the pensionary benefits were wrongly calculated from 01.01.2009 instead of 01.07.2006.

3. The non settlement of the pensionary benefits with effect from 01.07.2006 was on the ground that the apex body of the Annamalai University had resolved vide Syndicate Resolution No.63 dated 28.07.2010 as follows:

" Resolved that the staff members who retired between the academic year 2006-2007 and 2008-2009 and who have declined the offer of appointment be not allowed the benefit of refixation of pension in the revised scale of pay and their pension be fixed as per the pre-revised scale of pay".

4. The learned counsel appearing for the petitioner has also brought to the notice of this Court, that the very same resolution passed by the first respondent was declared as invalid by this Court in W.P.No.19587 of 2011, dated 24.09.2012. The learned counsel for the petitioner further states as against the said order, writ appeal was filed and the order of this Court was confirmed by the Division Bench of this Court. However, the Hon'ble Division Bench held that the resolution passed is no relevance in respect of the settlement of pensionary and terminal benefits payable to the professor.

5. Further, it is brought to the notice of this Court that the writ petitioner was not in service at the time of passing of the resolution and this view of the matter, the writ petitioner is entitled for all the terminal benefits from the date of his retirement.

6. Accordingly, the respondents are directed to settle the pensionary benefits due of the writ petitioner, taking into account his date of retirement as 30.06.2006 and consequently pay the revised pay and pension in accordance with the rules, within a period of twelve weeks from the date of receipt of a copy of this order.

7. In fine, the writ petition stands allowed. However, there shall be no order as to costs.

msrm

Sd/-

Assistant Registrar(CS IV)

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Sub Assistant Registrar

To

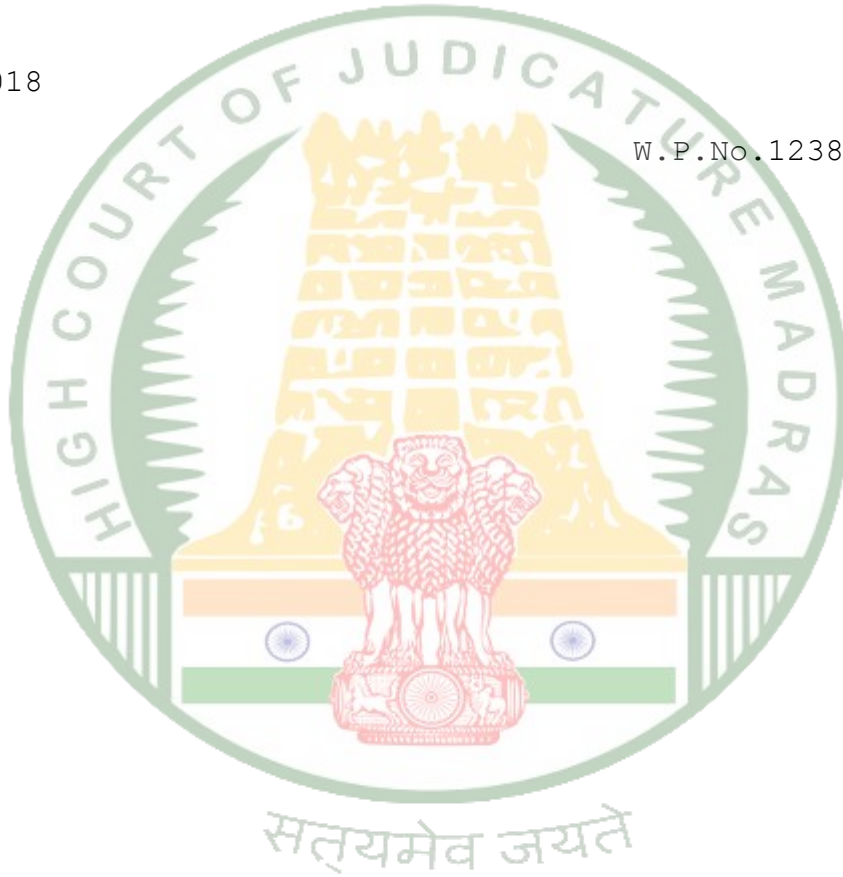
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+lcc to Mr.Balan Haridas, Advocate SR.No.90646

LRS (CO)
sm:19.1.2018

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