



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2017

CORAM:

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THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.8339 of 2014

R.Mathivanan

.. Petitioner

Vs.

1. The Government of Tamil Nadu,
Through its Secretary,
Hindu Religious and Charitable Endowments Department,
Fort St. George,
Chennai.
2. The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.19, Uthamar Gandhi Road,
Chennai - 34.
3. The Director,
Directorate of Collegiate Education,
College Road,
Chennai - 600 006.
4. The Joint Director of Collegiate Education,
Madurai Region, Vaithiyanadhayyar Street,
Shenoy Nagar,
Madurai.
5. The Deputy Commissioner/Secretary,
Arulmigu Palaniandavar College of Arts & Culture,
Palani - 624 601,
Dindigul District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the fifth respondent to permit the petitioner to continue till 31.05.2014 in accordance with the proceedings in Pa.Mu.No.2525/E1/2014, dated 16.04.2014 on the file of the fourth respondent and claim salary for the months of April & May 2014 for the petitioner within the time stipulated by this Court.



For petitioner

: Mr.T.Lajapathi Roy

For R.1 to R.4

: Mr.S.Kumar
Additional Government Pleader

For R.5

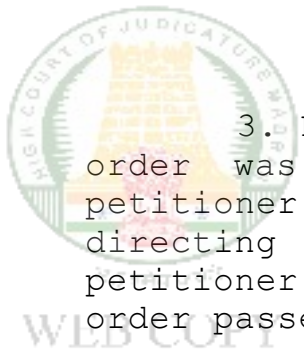
: Mr.K.Govindarajan

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O R D E R

The petitioner filed this petition seeking a Writ of Mandamus directing the fifth respondent to permit the petitioner to continue till 31.05.2014 in accordance with the proceedings in Pa.Mu.No.2525/E1/2014, dated 16.04.2014 on the file of the fourth respondent and claim salary for the months of April & May 2014 within the time stipulated by this Court.

2.The case of the petitioner is that he was working as a Head of the Department of Zoology at the fifth respondent College since 2007. While attaining superannuation on 31.03.2014, he has already given a representation on 06.02.2014 to the fifth respondent through the Principal seeking for extension of service till the end of the said academic year. The fifth respondent issued show cause notice dated 24.03.2014, asking him to submit the written explanation whether the extension/re-employment should be denied to him, since the departments proceedings are pending against him. The petitioner sent a explanation on 11.03.2014 stating that the third respondent has made it clear that all the extension/re-employment should be offered to all the teacher, who attain superannuation on the middle of the academic year and it is made mandatory therein, hence the fifth respondent cannot be denied the same to him. The fifth respondent had rejected his request on 24.03.2014 for extension/re-employment on the ground that the charge memo dated 06.06.2012 is pending against him. The charge memo was challenged in W.P.(MD).No.5524 of 2010 stating that the Tamil Nadu Civil services (Discipline and Appeal) Rules are not applicable to the petitioner, who is working in the private aided college and the said Writ Petition was dismissed. The Writ Appeal was also filed by the petitioner herein. While the same was pending, two more Writ Petitions are filed by the petitioner and the same were disposed off by common order dated 21.04.2014, rejecting his request for re-employment and in spite of that the petitioner was expecting the fifth respondent to pass an order permitting him to continue till the end of the academic year and claiming salary for the months of April and May, 2014. Since he sent a representation, nothing was forthcoming for salary and other benefits, he filed this Writ Petition.



3. Now, on the day of filing this Writ Petition, no interim order was granted on 22.05.2014. It was submitted by the petitioner though the fourth respondent had passed an order directing the fifth respondent to give re-employment to the petitioner. So far, the fifth respondent had not implemented the order passed by the fourth respondent.

4. It is seen that earlier in 2014, the learned Government Pleader had taken time to get instruction whether the fourth respondent had informed the fifth respondent regarding the said order passed, but till date the matter was not listed before this Court. The prayer is only for seeking extension of two months i.e., after the superannuation, for the months of April and May in 2014. Now we are standing in the fag end of the year 2017 and this Court finds nothing survives in this matter and hence, this Writ Petition is dismissed as infructuous. No costs.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To:

1. The Secretary to Government of Tamilnadu,
Hindu Religious and Charitable Endowments Department,
Fort St. George, Chennai.
2. The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.19, Utamar Gandhi Road, Chennai - 34.
3. The Director,
Directorate of Collegiate Education,
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4. The Joint Director of Collegiate Education,
Madurai Region, Vaithiyanadhayyar Street,
Shenoy Nagar, Madurai.

+1. C.C. to M/S.MR.K.Govindarajan, Advocate SR.No.92148
+1. C.C. to M/S.Special Government Pleader, SR.No.92101

ORDER MADE IN
W.P. (MD) No.8339 of 2014
08.12.2017