



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A.(MD)No.1461 of 2011

and

M.P.(MD)No.2 of 2011

K.Ramajothi

.. Appellant/Petitioner

Vs.

1.The Vice Chancellor,
Madurai Kamarajar University,
Madurai - 20.

2.The Registrar,
Madurai Kamarajar University,
Madurai - 20.

3.The Deputy Registrar,
Madurai Kamarajar University,
Madurai - 20.

.. Respondents/Respondents

PRAYER: Appeal is filed under Clause 15 of the letter patent, against the dismissal order of this Hon'ble High Court in W.P.(MD).No.1281 of 2008 disallowing the portion of the impugned order of the 2nd respondent in No.Pa.Aa.No.4/5/KR/2005, dated 16.05.2005 granting relief in so far as relating to cut downing 20% of the pension benefit by this dated 24.02.2011.

Prayer in WP(MD). 1281/ 2008 :

This Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining that the impugned order passed by the 2nd respondent in No. Pa. Aa. No. 4/5/KR/2005 dated 16/05/2005 relating to the deduction of 20% of the pension benefit during life time of the petitioner and quash the same.

For Appellant : Mr.R.Ramachandran

For R -1 : Mr.R.M.Makeish Kumaravel

For R 2 & 3 : No appearance

JUDGMENT

[Judgment of the Court was made by **G.R.SWAMINATHAN, J.**]

The unsuccessful writ petitioner has filed this Writ Appeal questioning the order dated 24.02.2011, made in W.P.(MD)No.1281 of 2008.



2. According to the petitioner, he was appointed as Junior Assistant in the respondent Madurai Kamarajar University in the year 1973. According to him, disciplinary action was initiated against him based on a false complaint. He was awarded with the punishment of compulsory retirement, on 16.05.2005. There was also 20% cut imposed on his pensionary benefits. Questioning the same, the writ petitioner filed the Writ Petition in W.P.(MD) No.1281 of 2008.

3. The learned single Judge sustained the order, dated 16.05.2005, impugned in the Writ Petition, but given a direction with regard to disbursement of the benefits payable to the writ petitioner. Not satisfied with the same, the present Writ Appeal has been filed.

4. The learned counsel for the appellant reiterated the contentions that the imposing 20% cut in the pensionary benefits is illegal. This contention is without merit. It is admitted that a serious complaint was lodged against the writ petitioner with regard to collection of a sum of Rs.1,50,000/- from one Kanagaraj, towards illegal gratification and a sum of Rs.1,75,000/- from one Ganapathy. Based with the said allegation, the appellant herein had admitted in writing and that he had committed the said act of mis-conduct. Thereupon, the syndicate passed a resolution on 04.05.2005, proposing to compulsorily retire the writ petitioner and effect 20% cut in the pensionary benefits. The University ought to have taken a serious view of the matter, if a regular enquiry had been conducted and the writ petitioner in all probability, would have dismissed from service.

5. This Court is of the view that the University had shown him indulgence by compulsorily retiring him and let him go with 20% cut with the pensionary benefits. The learned single Judge had sustained the order impugned in the Writ Petition, in view of the conduct of the writ petitioner and his unconditional admission of guilt. We see no reason to interfere with the order passed by the learned single Judge in the Writ Petition.

6. This Writ Appeal has no merit and stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

/Truecopy/

Sub Assistant Registrar

To

+1cc to M/S.R.M.MAKESH KUMARAVEL, Advocate SR.No.68708

TA/MR/AKV

MAS/MR-KKR/SAR2:24.08.2017:2P-2C

W.A. (MD) No.1461 of 2011

27.07.2017