

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT APPEAL No. 1470 of 2016

JUDGMENT: (*Per VRS,J*)

Aggrieved by the refusal of the learned single Judge to vacate an interim stay granted pending a writ petition, the University has come up with the present writ appeal.

2. Heard the learned Advocate General appearing for the University, and Mr. G. Vidya Sagar, learned senior counsel appearing for the 1st respondent.

3. It is true that the 1st respondent challenged in a writ petition, a show cause notice issued proposing to terminate his services, on the basis of an enquiry report submitted by a retired Judge of this Court. In normal circumstances, this Court will not interfere with a show cause notice. But, the fact remains that at the time of ordering notice in the writ petition, the learned single Judge granted an interim stay of further proceedings, pursuant to the show cause notice, on 20.07.2012.

4. Though the University filed a vacate stay petition way back in 2013, the same came up for hearing only in 2016, giving an unintended advantage. As a consequence, the learned Judge thought fit not to vacate the interim order after four years.

5. The fact remains that the 1st respondent was appointed way back in 2005 on temporary basis and his services were regularized in 2008. The show cause notice was a sequel to the enquiry ordered against the alleged irregularities committed by the former Vice Chancellor. The Enquiry Officer has recorded a finding that the appointment of the 1st respondent happened, prior to the Vice Chancellor assuming charge. But, the Enquiry Officer found fault with the Vice Chancellor for regularizing the services of the 1st respondent.

6. In the background of the above facts, considering the fact that the 1st respondent has been in enjoyment of an interim order for the past four years and six months, we do not think that we should interfere at this stage. Therefore, the Writ Appeal is dismissed. However, the writ petition shall be listed for final disposal immediately after reopening, before the learned Judge holding the roster.

Consequently, miscellaneous petitions if any pending in the writ appeal shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

5th January, 2017
cbs



THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN ✓
AND
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Writ Appeal No.1470 of 2016
(dismissed)

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