

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION {LODGING} NO.2424 OF 2019

Dr. P. Vijayakumar

.... Petitioner

Vs.

The Director & Appellate Authority
Tata Institute of Social Sciences
& Others

.... Respondents

Ms Jai Kanade with Ms Shruti Tulpule & Mr. Rahul
Shirgavkar i/by Ms Shruti Tulpule for the Petitioner.
Mr. V.K. Wasnik for Respondent Nos.1 and 2.
Mr. M.P. Balamurugan, Acting Registrar, TISS, present.

CORAM: S.C. DHARMADHIKARI &
R.I. CHAGLA, JJ.

DATE : DECEMBER 19, 2019

P.C:

1. After this writ petition was argued for some time, both sides have agreed to it being disposed of by the following order:-

(a) The order impugned in this petition, dated 19-8-2019, stands withdrawn.

(b) That order, copy of which is annexed to the petition as Exhibit "JJ-3" is passed by the Tata Institute of Social Sciences ("**TISS**"). The operative part of that order reads as under:-

"11. For the reasons and discussions aforesaid, I order that Prof. P Vijayakumar be compulsorily retired from services with immediate effect, however, with a condition that he would be entitled to all retiral benefits.

12. Prof. Vijayakumar shall also vacate his residential accommodation within a period of four months from the date of this order.

13. This order shall be served on Prof. P Vijayakumar and shall be effective with immediate effect.

14. This order is appealable to the Appellate Authority, if Prof. P Vijayakumar so desires."

- (c) The petitioner says that there is also an order passed by the Appellate Authority and that order, copy of which is at page 271 of the paper-book, dismisses his Appeal. The Appeal, dated 11-4-2019 against the inquiry report dated 11-3-2019 of the Internal Complaint Committee, is the subject-matter of the Appeal which has been dismissed on 14-8-2019. Needless to clarify that post dismissal of this Appeal, the order of punishment is passed and the punishment imposed thereunder. If that order imposing punishment is withdrawn and does not survive, we do not see how the inquiry report, the recommendation therein and the Appeal against that recommendation would survive.
- (d) Now the petitioner will tender, as agreed between the parties, an application seeking voluntary retirement from

the services of TISS. He will make that application latest by 26-12-2019.

- (e) On that application being made by him, the Competent Authority shall pass the order of voluntary retirement from the services of the TISS, effective from 19-8-2019.
- (f) The communication to that effect will be issued within eight (8) days from the date of receipt of the application by the petitioner.
- (g) The amounts due and payable to the petitioner by the TISS shall be paid and disbursed within a period of two months from the date of receipt of the communication from the TISS.

2. The writ petition stands disposed of in the above terms.

3. Since both sides have agreed to the above arrangement and disposal of the writ petition in this manner, no reasons are assigned by the Court for disposal of the writ petition.

4. The petitioner shall vacate the residential premises,

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allotted to him by the TISS, latest by 29-2-2020. There will be no order as to costs.

(R.I. CHAGLA, J.)

(S.C. DHARMADHIKARI, J.)

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SAJNAWAT

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