

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.359 of 2016

Malarvizhi

... Petitioner

Vs

The Vice Chancellor,
University of Madras,
Centenary Building,
Chepauk, Chennai-5.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to waive the remaining punishment period as per the representation dated 24.08.2015.

For Petitioner : Mr.D.S.Ramesh

For Respondent : Mr.Mani Sundargopal

O R D E R

This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondent, namely, the Vice Chancellor, University of Madras, Chennai, to waive the remaining punishment period by considering the representation of the petitioner dated 24.08.2015.

2. Learned Counsel appearing for the petitioner submitted that the petitioner who was appointed as an Attender on compassionate grounds in the month of August 1988 on the demise of her husband Balaraman, came to be dismissed from service w.e.f. 27.01.2011 for having submitted a bogus school certificate with regard to her educational qualification and her date of birth. Aggrieved by the said dismissal order, the petitioner filed W.P.No.25738/2011 before this Court. This Court in its order dated 21.12.2011 while setting aside the impugned order, remitted the matter back to the respondents therein to review the quantum of punishment imposed on the petitioner taking note of the fact that she had rendered 22 years of unblemished service. In this order, it was also made

clear that the petitioner is not eligible for the back wages, but for pension purpose, the interregnum period can be taken as duty period, otherwise, there will be break in service, which will have an effect in calculating the qualifying service for the benefit of pension.

3. The learned Counsel for the petitioner further submitted that based on the said order, the petitioner was reinstated into service w.e.f. 14.03.2012 F.N. in the post of attender, the post which she was holding at the time of her dismissal without back wages for the interregnum period. Further, the Syndicate at its meeting held on 27.07.2012 considering the order of this Court passed in W.P.No.25738/2011 directed the University to review the quantum of punishment imposed on the petitioner by setting aside the punishment of dismissal from service imposed on her by the University based on the report of inquiry together with the opinion of the University Legal Advisor and finally, the Syndicate also took a decision to impose a punishment of reduction to a lower rank as Animal House Attendant for a period of six years/09 months/03 days from 27.07.2012 to 30.04.2019 in the pay band of Rs.4800-10000 with Grade Pay of Rs.1300/- w.e.f. 27.07.2012. The order of punishment also stated that she should be reverted to her original position as Attender w.e.f. 01.05.2019 and her pay would be fixed in the position she had continued in, but for the punishment. Now the grievance of the petitioner is that since she has served the said punishment except four months, the punishment undergone should be taken as a full punishment and she should be restored back to the post of Attender.

4. Heard the learned Counsel appearing for the respondent.

5. This Court is unable to find any merit in the present Writ Petition. The reason being that when the petitioner was imposed with a punishment of reduction of lower rank by the Syndicate of the University, without even challenging the correctness of the punishment imposed on her, no writ can be filed for waiver of the remaining period of punishment.

6. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

tsi

To

The Vice Chancellor,
University of Madras,
Centenary Building,
Chepauk, Chennai-5.

+1 cc to Mr.D.S.Ramesh, Advocate Sr.No.99

+1 cc to M/s.Mani Sundargopal, Advocate Sr.No.152

W.P.No.359 of 2016

SJ(CO)
CSL/24.01.2019



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