

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.18135 of 2019

C. Sivagami

..Petitioner

vs

1.The Chancellor

Periyar University,
Rajbhavan
Chennai-600 022

(Cause title amended vide order dated 28/6/19 made in
WMP.No.17787/19 in WP.No.18135/19 by VPNJ)

2.The Periyar University

Rep. by its Registrar
Periyar University
Salem 636 011

.. Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus as or
any other Writ or order or Direction to direct the 1st respondent
to dispose of the petitioner's Appeal dated 09.02.2019.

For Petitioner : Mr.S.Sathia Chandran

For R1 & R2 : M/s.P.Godson swaminath
for (Periyar University)

सत्यमेव जयते
ORDER

The petitioner filed this Writ Petition seeking to direct
the 1st respondent to dispose of the petitioner's Appeal dated
09.02.2019.

2. The case of the petitioner is that the petitioner joined
as a Laboratory Assistant on 08.05.2000 in Periyar University.
Thereafter he was promoted as Junior Assistant from
01.08.2006. Subsequently, he was promoted as Assistant from
20.11.2009. Further, he was promoted as Superintendent with

effect from 14.07.2016 and he belong to the 'Group B' service category of the Periyar University. On 16.03.2017 petitioner received a letter from the second respondent University containing set of serious allegations made against her that in active connivance with one Dr.A.Jayakumar, the then Controller of Examinations, the petitioner tampered with the marks of few candidates to enable them to get pass in a few subjects.

3. Thereafter the petitioner had denied the above said charges vehemently and requested the second respondent to furnish copies of the documents and few documents have been furnished by the second respondent. Again the petitioner addressed a letter to the second respondent seeking copies of certain documents mentioned in Annexure III and the second respondent informed that the documents would be furnished with the permission of the Enquiry Officer, but the second respondent refused to furnish the said document to the petitioner. The petitioner received a letter from the Enquiry Officer dated 14.11.2017 requiring him to visit his Office at 11.a.m on 04.12.2017. The petitioner has filed W.P.No.4157 of 2018 challenging the disciplinary proceedings and the communication of the Enquiry Officer dated 14.11.2017 and the same has been dismissed as withdrawn vide order dated 07.02.2019 with liberty to approach this Court on this issue in future. The second respondent University communicated the decision about the imposition of the major penalty of compulsory retirement of the petitioner with effect from 11.01.2019. The petitioner has preferred an appeal to the first respondent, who is the statutory appellate authority, as per Clause 5 (Appeal) of Appendix VII at page 233 of the Statue Book of the 2nd respondent University and the same was received on 13.02.2019. Thereafter, the petitioner did not get any communication from the 1st respondent. Pursuant to that, the petitioner addressed a reminder dated 17.03.2019 to the first respondent. But, there was no response from the respondent till date. Hence, the present Writ Petition.

4. The learned counsel appearing for the petitioner submitted that it would be suffice to issue a direction to the respondents to dispose of the petitioners appeal dated 09.02.2019 and pass order on merits and in accordance with law.

5. Mr.P.Godson Swaminath learned counsel appearing on behalf of the respondents submitted that as against the order of compulsory retirement of the petitioner filed an appeal behalf of the first 1st respondent. But, the same has not been disposed of till date.

6. Considering the above facts and circumstances and the limited request made by the petitioner, I am inclined to issue a direction to the first respondent to dispose the petitioners appeal dated 09.02.2019 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

vsn

1.The Chancellor
Periyar University,
Rajbhavan, Chennai-600 022

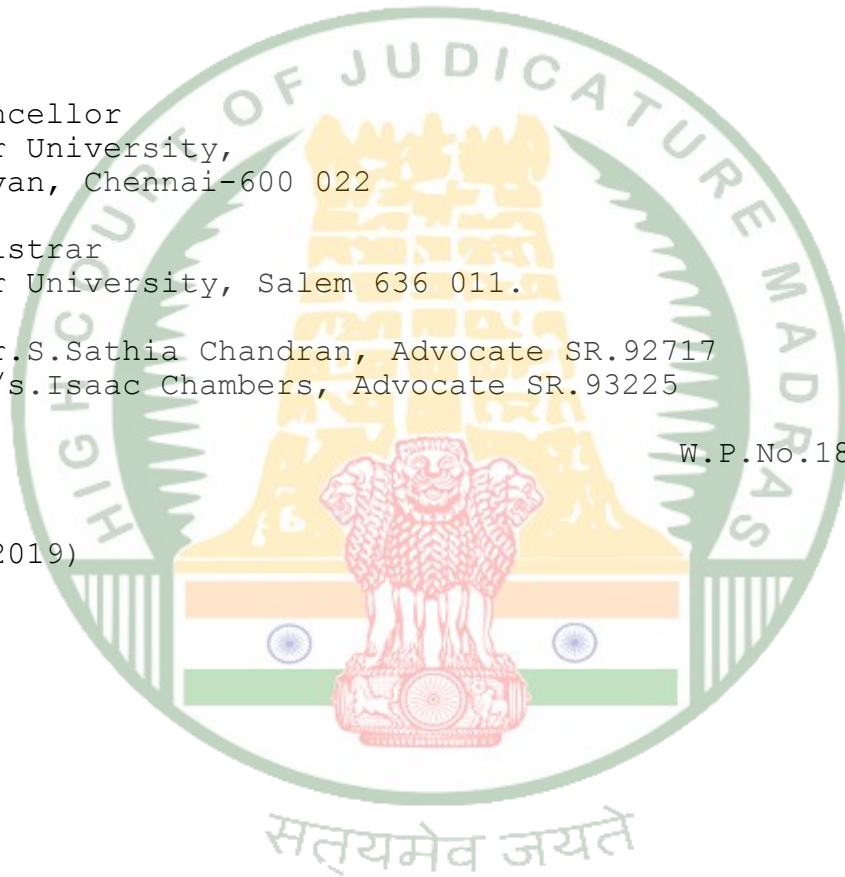
2.The Registrar
Periyar University, Salem 636 011.

+1cc to Mr.S.Sathia Chandran, Advocate SR.92717

+1cc to M/s.Isaac Chambers, Advocate SR.93225

W.P.No.18135 of 2019

MP(CO)
CB(12/12/2019)



WEB COPY