

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 25.08.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No. 22393 of 2013

Prof.Dr.M.R.Shanmugam

..Petitioner

- Vs -

1. The Director of Collegiate Education,
EVK Sampath Building,
College Road,
Chennai 600 006.

2. The Joint Director of Collegiate,
Education,
Coimbatore Region,
Race Course Road,
Coimbatore-18.

3. Erode Arts and Science College,
Rep. By its Adhoc Committee,
Rangampalayam,
Erode-9.

..Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Certiorarified Mandamus, after calling for the records pertaining to the order dated 27.08.2010 passed by the 3rd respondent in Ref.No.524/10 and the order dated 12.04.2013 passed by the 1st respondent in Na.Ka.No.32885/F1/2012, quash the same and consequently direct the respondents give the petitioner the benefits of re-employment for the period from 01.09.2010 to 31.05.2011, award costs.

Petitioner : M/S.V.Ajoykhose
For Respondents : Mr.Karthikai Balan for RR1 & 2
: Mr. Abdul Azeez for
M/S.Svaak Legal for R3

ORDER

The case of the petitioner is that the petitioner joined service in the 3rd respondent college as Assistant Professor in Commerce in the year 1977 and thereafter, he was promoted as Senior Scale Lecturer, Selection Grade Lecturer and Assistant

Professor respectively and he was due to retire on 31.08.2010. Therefore, the petitioner filed an application for re-employment till the completion of the academic year; however the re-employment application was rejected with certain remarks. Challenging the same, the present writ petition has been filed.

2.Learned counsel appearing for the petitioner submitted that though the writ petition is filed immediately after the rejection of the re-employment request, therefore, it would suffice if this Court passes an order removing the remarks made in the said impugned order by the respondents.

3.Learned counsel appearing for the respondents, has no objection for removing the remarks made in the impugned order. However it is submitted that since the petitioner was not working in the college on re-employment basis, he is not eligible to draw the salary and other allowances from 01.09.2010 to 31.05.2011, on the basis of "NO Work, NO Pay".

4.On an overall consideration of the entire facts in the present case, in view of the fair stand taken by the learned counsel on either side and in view of the limited relief sought for, without going into the merits of the issue, this Court directs removal of the remarks made by the 1st respondent in the impugned order forthwith. However, it is made clear that the petitioner is not entitled on any monetary benefit.

5.With the above direction, this writ petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

1. The Director of Collegiate Education,
EVK Sampath Building,
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Chennai 600 006.
2. The Joint Director of Collegiate,
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Coimbatore-18.

3. Erode Arts and Science College,
Rep. By its Adhoc Committee,
Rangampalayam, Erode-9.

+1cc to the Government Pleader in SR.NO..27770

W.P. NO.22393 of 2013

SSV(CO)
RV(19.10.2020)



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