

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2020

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.10285 of 2020
and
W.M.P.No.12499 of 2020

G.V.Senthilkumar

..Petitioner

vs.

1. The Government of Tamil Nadu,
rep.by its Principal Secretary to the Government,
Higher Education Department,
Secretariat Fort St.George,
Chennai-600 009
2. The Syndicate,
Annamalai University,
Annamalai Nagar,
Chidambaram-608 002
3. The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram-608 002
4. The Director (Administration) EDA,
Annamalai University,
Annamalai Nagar,
Chidambaram-608 002

..Respondents

Prayer:

Writ Petition filed under Section Article 226 of the Constitution of India praying Writ of Mandamus, directing the second respondent to dispose of the petitioner's appeal against the order of termination passed by the 3rd respondent on merits expeditiously.

For Petitioner : Mr.V.Ravi
for Mr.R.Gunalan

For Respondents : Mr.P.V.Selva Kumar, (for R.1)
Addl.Govt.Pleader
Ms.T.P.Savitha (for R.2 to R.4)

ORDER

This matter is taken up through Web hearing.

2.The writ petition is filed with the following prayer:

"to direct the second respondent to dispose of the petitioner's appeal against the order of termination passed by the 3rd respondent on merits expeditiously."

3.The case of the petitioner was that he joined the third respondent University as Mechanic Grade-B on 17.03.2003. He was promoted as Mechanic Grade-A on 11.06.2012 and he had worked for about 16 years in the University.

4.The petitioner was issued with a charge memorandum dated 16.10.2018 for some acts of misconduct on his part and an Enquiry Committee was constituted to enquire into the charges. The substance of the charge against the petitioner was of his frequent unauthorized absence on several occasions, causing inconvenience to the administration of the University. The petitioner was also suspended on 17.06.2019, as he was arrested by the Economic Offences Wing in Cr.No.4 of 2018 under the Chit Fund Act, 1982.

5.In the meanwhile, the Committee, which had gone into the charges, found that the unauthorized absence was clearly established by the act of the petitioner and in conclusion of the disciplinary proceedings, the University has passed orders on 09.03.2020, removing the petitioner from service. As against the removal order dated 09.03.2020, the petitioner is stated to have submitted an appeal to the second respondent, the Syndicate of the University, on 06.05.2020 and the appeal has still not been disposed of. The present writ petition has been filed seeking direction to dispose of the appeal by the second respondent.

6.Mr.V.Ravi, the learned counsel appearing for the petitioner would submit that during the period of suspension, the petitioner was not paid adequate subsistence allowance, as admissible under the service regulations of the University and in the absence of adequate subsistence allowance, the petitioner and his family members have been put to extreme hardship and suffering. Further, the inaction on the part of the second

respondent in taking decision on the appeal filed by the petitioner is also causing severe anguish and hardship to the petitioner. Therefore, he would pray for disposal of the Writ Petition as prayed for.

7.On notice, Mr.P.V.Selva Kumar, learned Additional Government Pleader entered appearance for the first respondent and Ms.T.P.Savitha, learned counsel entered appearance for the University.

8.The learned counsel appearing for the respondent University would submit that a reasonable time may be given for the second respondent to dispose of the appeal, as the Members of the Syndicate are located in different places and convening of the meeting of the Syndicate may require sometime. In any event, on instructions, the learned counsel for the University would submit that if a direction is issued by this Court, the second respondent would dispose of the appeal in pursuance of such direction.

9.Considering the above submissions, the writ petition is disposed of as under;

The second respondent is directed to consider the appeal stated to have been submitted by the petitioner on 06.05.2020 and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of copy of this order. The second respondent/University administration is also directed to pay subsistence allowance, if any, due to the petitioner during the period of suspension, as claimed by him in the writ petition. Such order is also to be passed within the same time as stated above.

No costs. Connected miscellaneous petition is closed.

WEB COPY
Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrm/msk

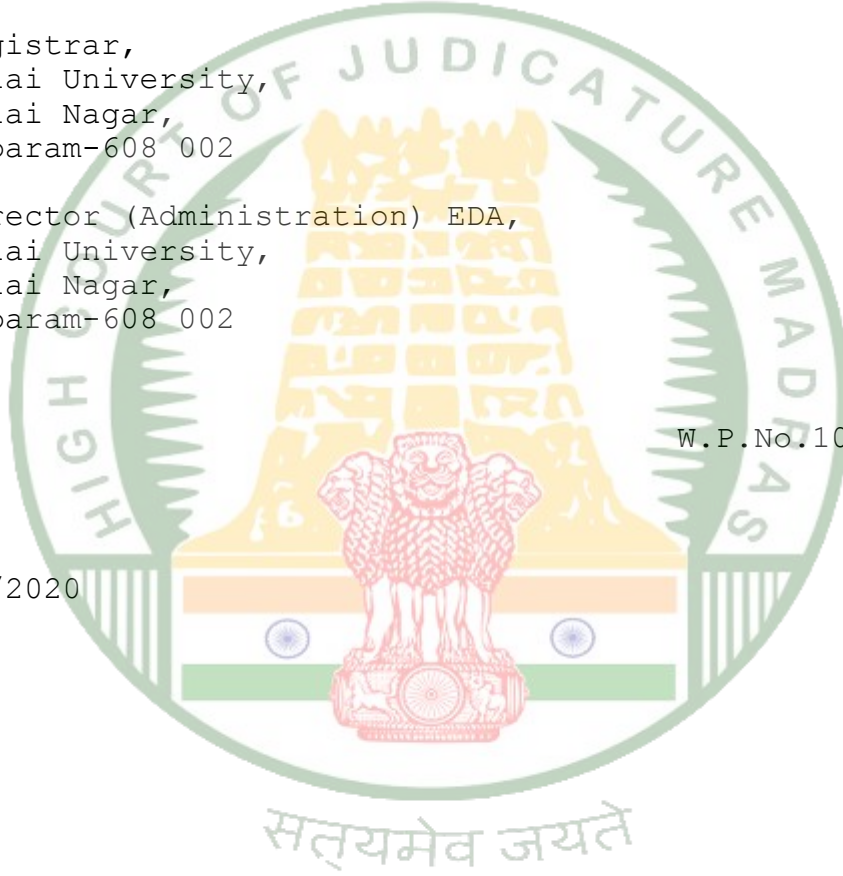
To

1. The Principal Secretary to the Government,
The Government of Tamil Nadu,
Higher Education Department,
Secretariat Fort St.George,
Chennai-600 009
2. The Syndicate,
Annamalai University,
Annamalai Nagar,
Chidambaram-608 002
3. The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram-608 002
4. The Director (Administration) EDA,
Annamalai University,
Annamalai Nagar,
Chidambaram-608 002

W.P.No.10285 of 2020

SKS (CO)

KKV/01/09/2020



WEB COPY