



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P.[MD].No.6683 of 2020

and

W.M.P(MD).Nos.6034 and 6036 of 2020

S.P.Denisia

: Petitioner

Vs.

1.The Registrar,
Mother Teresa Women's University,
Kodaikanal,
Dindigul District.

2.The Director,
Directorate of Vigilance & Anti Corruption,
No.293, N.K.N.Road,
Alantur,
Chennai-16.

: Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent to grant retirement benefits including pension and other monetary benefits to the petitioner from the date of retirement on attaining the age of superannuation on 31.01.2019.

For Petitioner	: Mr.S.Deenadhayan
For R1	: Mr.E.V.N.Siva
For R2	: Mr.A.Kannan
	Additional Government Pleader

ORDER

This Writ Petition is filed for a Mandamus directing the first respondent to grant retirement benefits including pension and other monetary benefits to the petitioner from the date of retirement on attaining the age of superannuation on 31.01.2019.

2.The case of the petitioner is that the petitioner joined as a Lecturer in the Department of English at St.Justin's College of Education, Madurai in the year 1990, thereafter he was promoted as Lecturer Senior scale in the Department of English and in the year 2000 he was given Selection Grade and promoted as Reader post in the Department of English in the same College and he rendered 18 years



service at St.Justin's College of Education, Madurai. While he was working in the St.Justin's College of Education, Madurai, he applied for the post of Reader in Manonmaniam Sundaranar University, Tirunelveli and he was also selected for the post of Reader in the month of August 2008, wherein, he was promoted as Associate Professor. In the mean time, he got an opportunity as Principal in the Alagappa University College of Education, Karaikudi, Sivagangai District and he made a request to the Registrar of Manonmaniam Sundaranar University, Tirunelveli to relieve him from service with effect from 31.05.2013. In the mean time, he was selected to the post of Professor in Mother Teresa Women's University and he joined the duty on 11.10.2013. Thereafter, he retired from service on attaining the age of superannuation on 31.01.2019. While calculating the service, the first respondent University has not calculated the service rendered by him in St. Justin's College and Manonmaniam Sundaranar University. Therefore, he made a representation to the first respondent. But, the same has not been considered. Hence, the petitioner has filed the present writ petition.

3.Mr.E.V.N.Siva, learned counsel for the first respondent submitted that the petitioner was appointed in the first respondent University as a Professor on 11.11.2013 and within a period of 5 years, he was retired from service. The first respondent was not provided with any material with regard to the service rendered by the petitioner in any other college. In the absence of materials placed by the petitioner, the first respondent university is not in a position to disburse any terminational benefits or pensionary benefits to the petitioner. He further submitted that the petitioner while serving in Manonmaniam Sundaranar University was involved in a criminal offence and the Department of Vigilance and Anti Corruption has also registered a case as against him and charge sheet has been laid in special C.C No.89 of 2012 on the file of the Special Court for Vigilance and Anti-Corruption cases, Tirunelveli. Without ascertaining all these facts, the first respondent is not in a position to disburse any amount to the petitioner and therefore, passed the order of rejection on the request made by the petitioner on 18.08.2021 and the same was also communicated to the petitioner. The learned counsel for the first respondent has also produced the proceedings passed by the first respondent university before this Court.

4.Considering the rival submissions, this Court is inclined to dismiss the writ petition, with liberty to the petitioner to workout his remedy by challenging the proceedings dated 18.08.2021 or by obtaining service particulars from the universities where he served and furnish the same to the first respondent university. If such particulars are produced before the first respondent university, the first respondent university shall consider the same as early as possible and grant any relief if he is entitled for it.



5.In the result, this Writ Petition stands dismissed, with the liberty as aforesaid. No Costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

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/ /2021

Sub Assistant Registrar(CS)

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To

1.The Registrar,
Mother Teresa Women's University,
Kodaikanal,
Dindigul District.

2.The Director,
Directorate of Vigilance & Anti Corruption,
No.293, N.K.N.Road,
Alantur,
Chennai-16.

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-37340[F] dated 03/12/2021)

+1 CC to M/s.SPL GP (SR-37396[F] dated 06/12/2021)

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MMS (CO)

KB (29.12.2021) 3P 5C