



W.P.(MD)No.499 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.499 of 2020

K.Bose

... Petitioner

Vs.

1. The Secretary to Government,
Higher Education Department,
Government of Tamil Nadu,
Chennai.
2. The Director of Collegiate Education,
Chennai.
3. The Joint Director of Collegiate Education,
Tirunelveli.
4. The Accountant General,
(Accounts and Entitlements),
Tamil Nadu,
Door No.361,
Anna Salai,
Chennai – 600 018.



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5. The Tamil Nadu Agricultural University,
Represented by its Registrar,
Lawley Road,
Coimbatore – 641 003.

... Respondents

(R5 is impleaded vide Court order dated
17.11.2021 in W.M.P.(MD)No.2623 of 2020 in
W.P.(MD)No.499 of 2020 by BPJ)

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the first respondent to include the deputation service of the petitioner in Tamil Nadu Agricultural University, Coimbatore for the period from 17.06.1972 to 30.11.1975 as qualifying service for calculating pension and consequentially direct the respondents 2 and 3 to send a revised pension proposal to the fourth respondent by including the above period and consequentially direct the fourth respondent to pass orders fixing the pension of the petitioner by calculating the above deputation service also as qualifying service for pensionary benefits.

For Petitioner : Mr.J.Barathan

For Respondents : Mr.P.Thambidurai
Government Advocate for R1 to R3
Mr.P.Gunasekaran for R4
Mr.A.Thirumurthy for R5

ORDER

The writ petition has been filed for a direction to the first respondent to take into account the period from 17.6.1972 to 30.11.1975 for the purpose of computation of qualifying service and for consequential



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direction to respondents 2 and 3 for sending revised proposal to the fourth respondent and for a direction to the fourth respondent to recompute the fix the pensionary benefits of the petitioner by recalculating the qualifying service.

2. It is the case of the petitioner that he was initially appointed as Assistant Professor (Mathematics) at Government Arts College, Chennai on 24.11.1969. He worked as Assistant Professor from 24.11.1969 to 31.07.1971. Thereafter, he was transferred to the Presidency College, Chennai as Assistant Professor (Mathematics) and worked there from 01.08.1971 to 16.06.1972. Subsequently, the petitioner was posted in the Tamil Nadu Agricultural University, Coimbatore on deputation from 17.06.1972 to 24.11.1975. After deputation, the petitioner joined as Assistant Professor (Mathematics) at Raja Serfoji Government College, Thanjavur on 01.12.1975. Thereafter, he resigned from the said post on 22.06.1977 and again he worked as P.G.Professor and Head of the Department of Mathematics at M.D.T.Hindu College, Tirunelveli from 12.02.1982 to 31.05.2001. Though the petitioner has received entire benefits



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vide G.O.Ms.(2D)No.138, Higher Education (E2) Department, dated 04.10.2001, the benefits of deputation service rendered by the petitioner in the fifth respondent University has not been disbursed to him. Therefore, the present petition.

3. The learned counsel appearing for the petitioner submits that it would suffice if this Court directs the fifth respondent to forward the proposal for disbursement of the benefit during the period in which the petitioner was on deputation with the fifth respondent.

4. The learned counsel for the fifth respondent submits that if any application is made before the fifth respondent, the same will be forwarded to the first respondent for appropriate orders, since the fifth respondent University is receiving grant-in-aid from the Government, the fifth respondent cannot decide on its own and it has to be approved only by the Government.



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5. In view of the fair stand taken by the learned counsel for the fifth respondent, this Court permits the petitioner to file an appropriate application before the fifth respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such application, the fifth respondent shall forward the same to the first respondent, who shall, on receipt of the said application consider the same in terms with the Government Orders and Rules relating to computation of benefits during the period in which the petitioner was on deputation with the fifth respondent and pass appropriate orders in accordance with law, after affording an opportunity of hearing to the petitioner as well as other interested parties, if any, as expeditiously as possible.

6. Accordingly, this Writ Petition is disposed of with the aforesaid directions. No costs.

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Index : Yes / No

Speaking Order : Yes / No

vji



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