



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.01.2022**

CORAM:

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

W.P.[MD].No.3668 of 2020

WEB COPY

S.Sundararaj (Retd.)

... Petitioner

Vs.

1.The Director of Collegiate Education,
Directorate of Collegiate Education,
College Road,
Chennai-600 006.

2.The Joint Director of Collegiate Education,
Directorate of Collegiate Education,
Tirunelveli-627 002.

3.The Secretary,
Tirunelveli Dakshinamara Nadar Sangam College,
South Kallikulam-627 113,
Tirunelveli District.

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to include the period of 10 years, 5 months and 2 days (from the date of termination to the date of reinstatement upon the orders of this Court) into the service period of the petitioner and take it into account for the calculation of petitioner's pension benefits in respect of the Pension Payment Order vide PRO No.R2521547 on the basis of the petitioner's representation dated 10.02.2020.

For Petitioner : Mr.N.Dilip Kumar

For Respondents : Mr.J.Ashok
Additional Government Pleader
for R1 & R2
Mr.Chidamabaram for R3

ORDER

Heard the learned Counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 and 2 and learned counsel appearing for the respondent No.3.



2. According to the petitioner, he was working as a Selection Grade Lab Assistant in the third respondent College and he got retired on 31.05.2018. During the time of service, based on the complaint given by one Amali, the third respondent initiated disciplinary proceedings against him. The petitioner was placed under suspension on 08.01.1997 and terminated from service on 07.06.2005. The petitioner has challenged the order of termination issued by the third respondent in W.P.(MD).No.6419 of 2006 and this Court has also set aside the order passed by the third respondent on 21.01.2013. Thereafter, he was reinstated into service. However, his grievance is that his services for a period of 10 years, 5 months, 2 days were not included in the service period and not taken into account for calculation of pension benefits. Hence, he has made a representation on 10.02.2020 to the respondents, however, there was no proper action. Therefore, the petitioner is before this Court with the present writ petition.

3. When the matter is taken up for hearing today, learned counsel for the petitioner submits that it would suffice if the representation of the petitioner dated 10.02.2020 is directed to be disposed of, within a stipulated time limit.

4. In view of the limited scope of the relief sought for, this Court, without expressing anything on the merits of the case, directs the respondents to consider the petitioner's representation dated 10.02.2020 and pass appropriate orders, on its own merits and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

To

1. The Director of Collegiate Education,
Directorate of Collegiate Education,
College Road,
Chennai-600 006.



2.The Joint Director of Collegiate Education,
Directorate of Collegiate Education,
Tirunelveli-627 002.

3.The Secretary,
Tirunelveli Dakshinamara Nadar Sangam College,
South Kallikulam-627 113,
Tirunelveli District.

+1 CC to M/s.M.SENGUVIJAY, Advocate (SR-940[F] dated 10/01/2022)

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-1044[F] dated 10/01/2022)

+1 CC to M/s.SPL GP (SR-1272[F] dated 11/01/2022)

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07.01.2022**

nsn(CO)
TR(23.02.2022) 3P 7C