



W.P.(MD) No.9479 of 2020

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 20.12.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

W.P.(MD) No.9479 of 2020

B.Guhan

... Petitioner

-VS-

1.The Registrar

Madurai Kamarajar University  
Palkalai Nagar, Madurai 625 021

2.The Deputy Director of Local Fund Audit,

Madurai Kamarajar University  
Palkalai Nagar, Madurai 625 021.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondents to fix the petitioner's seniority from the date when he was originally appointed in the respondent University or with effect from 10<sup>th</sup> March 1998 based on the Syndicate resolution or with effect from 13.12.2001 ie., based on the MoU, after completing the tenure of the ICAR project or with effect from 16.10.2003 based on the High Court order and extend the benefit of pension under old pension scheme with all consequential monetary benefits by taking into consideration of his individual final representation dated



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For Petitioner : Mr.S.Satheeshkumar

For Respondents : Mr.T.Sakthikumaran

### ORDER

This writ petition has been filed for a direction to the respondents to fix the petitioner's seniority from the date when he was originally appointed in the respondent University or with effect from 10<sup>th</sup> March 1998 based on the Syndicate resolution or with effect from 13.12.2001 ie., based on the MoU, after completing the tenure of the ICAR project or with effect from 16.10.2003 based on the High Court order and extend the benefit of pension under old pension scheme with all consequential monetary benefits by taking into consideration of his individual final representation dated 07.05.2020.

2.The petitioner was initially appointed as Typist on 1989 and after serving in various cadres, the petitioner was absorbed in ICAR project and subsequently, as per the Memorandum of Understanding between the first respondent and the ICAR, the supporting staff and non technical staff



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have to be absorbed the staff in respective cadre with effect from 13.12.2001. However, since the petitioner was not absorbed, a writ petition came to be filed by the petitioner and upon a direction from this Court, the petitioner was appointed as Clerk in the existing vacancy. It is the case of the petitioner that if the petitioner was appointed during 1998 or 2001 or 2003, he would be eligible for old pension scheme. However, since the petitioner was absorbed in the year 14.11.2005, he was treated under the new contributory pension scheme and hence, the petitioner sent a representation to the respondents on 07.05.2020. Since the said representation has not been considered so far, the petitioner is before this Court with this writ petition.

3. The learned counsel for the petitioner would submit that though the petitioner joined as early as in the year 1998, his services have not been calculated either from the year 1998 or as per the MoU in the year 2001 or as per the order of this Court on 16.10.2003 and hence, prays for a direction.

4. Heard the learned counsel on either side and perused the



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materials available on record.

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5. Considering the limited scope of the matter and without expressing any opinion with regard to the claim made by the petitioner, this writ petition is disposed of with a direction to the respondents to consider the petitioner's representation dated 07.05.2020, and pass appropriate orders on merits and accordance with law. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

**20.12.2022**

Index : Yes/No

Internet : Yes

RR

To

1.The Registrar

Madurai Kamarajar University  
Palkalai Nagar, Madurai 625 021

2.The Deputy Director of Local Fund Audit,

Madurai Kamarajar University  
Palkalai Nagar, Madurai 625 021.



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**M.DHANDAPANI, J.**

RR

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