



W.P.(MD)No.10115 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.10115 of 2020, 10171 of 2019
& 25320 of 2022

and

W.M.P(MD)Nos.9011 of 2020, 7886 & 7887 of 2019

W.P.(MD)No.10115 of 2020:

K.Subburayalu

... Petitioner

Vs

- 1.The Secretary,
University Grants Commission,
Bhadhursha Zafar Marg,
New Delhi – 110 002.
- 2.The Madurai Kamaraj University,
Represented by its
Registrar,
Palkalai Nagar,
Madurai – 625 021.
- 3.The Vice Chancellor,
Madurai Kamaraj University,
Palkalai Nagar,
Madurai – 625 021.

... Respondents



W.P.(MD)No.10115 of 2020

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent in its proceedings No. Estt II/EMRC/KS/2019-2020 dated 16.03.2020, and quash the same and consequently direct the respondent to treat the petitioner under Academic (Non Vactional) category and extend all the service benefits to the petitioner.

For Petitioner : Mr.R.Murali

For Respondents : Mr.B.Vijaykarthikeyan
Senior Panel Counsel for R.1

Mr.M.F.Rooshi Maas
for M/s.Isaac Chambers for R.2 & R.3

W.P.(MD)No.10171 of 2019:

K.Subburayalu

... Petitioner

Vs

1.University Grants Commission,
Represented by its
Secretary,
Bhadur shah Zafar Marg,
New Delhi – 110 002.

2.The Director,
Consortium for Educational Communication (CEC),
(An autonomous body under
University Grants Commission),
Aruna Asaf Ali Marg,
NSC Campus,
New Delhi – 110 067.



W.P.(MD)No.10115 of 2020

3.The Principal Secretary to
Government of Tamil Nadu,
Higher Education Department,
Fort St.George,
Chennai – 600 009.

4.The Vice Chancellor / Chairman,
Board of Management (EMMRC),
Madurai Kamaraj University,
Palkalai Nagar,
Madurai – 625 021.

5.The Madurai Kamaraj University,
Represented by its
Registrar,
Palkalai Nagar,
Madurai – 625 021.

6.The Director i/c,
Educational Multimedia Research Centre (EMMRC),
Madurai Kamaraj University,
Palkalai Nagar,
Madurai – 625 021.

7.The Section Officer,
Educational Multimedia Research Centre,
Madurai Kamaraj University,
Palkalai Nagar,
Madurai – 625 021.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records in respect of the resolution passed by syndicate of the fifth respondent in its meeting held on 05.02.2019 to implement the U.G.C letter No.F.2-8/97(MC) dated 30.05.2013 and .11.2014 and quash the same as illegal and direct the fifth respondent not to alter the service conditions of the petitioner and to



W.P.(MD)No.10115 of 2020

continue to allow the petitioner as Production Assistant under classification of Academic Non-Vacation staff.

For Petitioner : Mr.R.Murali

For Respondents : Mr.B.Vijaykarthikeyan
Senior Panel Counsel for R.1 & R.2

Mr.N.Satheeskumar
Additional Government Pleader for R.3

Mr.M.F.Rooshi Maas
for M/s.Isaac Chambers for R.4 to R.7

W.P.(MD)No.25320 of 2022:

K.Subburayalu

... Petitioner

Vs

Madurai Kamaraj University,
Represented by its
Registrar,
Palkalai Nagar,
Madurai – 625 012.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to settle the terminal benefits including the pension arrears and other benefits in favour of the petitioner.

For Petitioner : Mr.R.Murali

For Respondent : Mr.M.F.Rooshi Maas
for M/s.Isaac Chambers



W.P.(MD)No.10115 of 2020

COMMON ORDER

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Heard the learned counsel on either side.

2. The writ petitioner joined the respondent University in the year 1992. He was working as Production Assistant in Educational Multimedia Research Centre (EMMRC). By the impugned order dated 16.03.2020 passed by the University, he was placed under non-academic category. A person coming under academic category will retire at the age of 60 and the persons coming under non-academic category will retire at the age of 58. That is why, he filed the said writ petition. Thanks to COVID, the retirement age got automatically extended. The petitioner had reached the age of 60 on 30.06.2022. In view of the pendency of W.P(MD)No. 10115 of 2020, he has not been paid any pensionary and other benefits and that led to the filing of the other petitions.

3. When the matters were taken up for disposal, the learned counsel appearing for the writ petitioner submitted that he is not questioning the order dated 16.03.2020 passed by the Registrar, Madurai Kamaraj University and that his retirement benefits may be fixed accordingly.



W.P.(MD)No.10115 of 2020

4. When the petitioner himself is giving up his challenge, nothing survives for further adjudication. Since the petitioner has already reached the age of superannuation, the University Authorities are directed to finalise his pension proposals and disburse his pensionary benefits by treating him as non-academic staff. The process of disbursement of the petitioner's pension will commence within a period of twelve weeks from the date of receipt of a copy of this order. W.P(MD)Nos.10115 of 2020 and 10171 of 2019 are dismissed. W.P(MD)No.25320 of 2022 is allowed. Consequently, connected miscellaneous petitions are closed. No costs.

14.11.2022

Index : Yes / No
Internet : Yes/ No
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To

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W.P.(MD)No.10115 of 2020

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W.P.(MD)No.10115 of 2020

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