



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.05.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P(MD)No.10361 of 2022

M.Sankarapandian

... Petitioner

Vs.

The Director,
The Gandhigram Institute of Rural
Health and Family Welfare Trust,
Ambathurai R.S.,
Gandhigram Post,
Dindigul - 624 302.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to allow the petitioner to continue in service till the petitioner attains the age of superannuation on completion of 60 years on 31.05.2023 as contemplated in the Government order in G.O. (Ms)No.29 of Personnel and Administrative Reforms(S) Department dated 25.02.2021 as well as on the basis of the Service Rules of the respondent Institute.

For Petitioner : Mr. L.Prabhu

For Respondent : Mr.V.Karthikeyan

for Mr.V.Vijayashankar

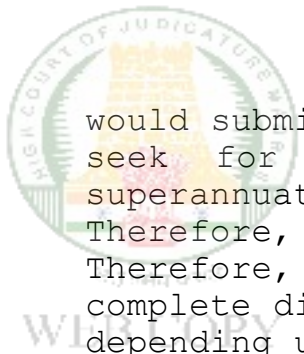
ORDER

The petitioner is working as Statistician at the respondent-Institute. As per the Rule, governing the service conditions of the petitioner, he had to retired by 31.05.2022. He made a request on 17.05.2022 to seek extension of service of one year, which is also permissible under Rule, in given cases based on merits. However, that has to be decided only by the Management of the respondent-Institute.

2.Therefore, seeking a direction from this Court to consider his request dated 17.05.2022, the present writ petition has been filed. Reiterating the same, the learned counsel made submission to seek indulgence of this Court.

3.Heard Mr.V.Karthikeyan, learned counsel representing
Mr.V.Vijayashankar, learned Standing Counsel for the respondent, who

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would submit that, it is not a matter of right for the petitioner to seek for extension as an automatic one, since the earlier superannuation year of 58 has already been enhanced to 59 years. Therefore, the benefit the petitioner has already enjoyed. Therefore, for further one year extension is concerned, it is a complete discretion of the respondent-Management to take a decision, depending upon the individual cases, based on merits and the need as well as the administrative contingencies.

4.I have considered the said submission made by both sides. In view of the said stand taken by the respondent, since it is the discretion and decision to be taken by the respondent-Management on the application of the petitioner dated 17.05.2022, seeking for further extension of one year period, beyond 31.05.2022, I am inclined to dispose of this writ petition with the following order:

That there shall be a direction to the respondent to consider the request of the petitioner dated 17.05.2022 and pass orders thereon, on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

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

Sd/-

Vacation Officer/
Assistant Registrar (As)

// True Copy //

28/05/2022

Sub Assistant Registrar(CS)

abr / pnn

To
The Director,
The Gandhigram Institute of Rural
Health and Family Welfare Trust,
Ambathurai R.S.,
Gandhigram Post,
Dindigul - 624 302.

+1 CC to M/s.L. PRABHU, Advocate (SR-24171[F] dated 27/05/2022)

+1 CC to M/s.V. KARTHIKEYAN, Advocate(SR-24170[F] dated 27/05/2022)

W.P (MD) No.10361 of 2022
26.05.2022

MGJ(28.05.2022) 2P 4C

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