



W.P.(MD)No.14394 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2022

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THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD)No.14394 of 2022

Dr.K.Balasubramanian

... Petitioner

Vs.

1. The Secretary to Government,
Department of Higher Education,
Secretariat,
Fort St.George,
Chennai - 600 009.
2. The Director of Collegiate Education,
College Road,
Chennai - 600 006.
3. The Joint Director of Collegiate Education,
Door No.30, Vaidyanatha Iyer Street,
Shenoy Nagar,
Madurai - 625 020.
4. The Secretary,
GTN Arts College,
Dindigul - 624 005.



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5. The Principal,
GTN Arts College,
Dindigul - 624 005.

6. The Registrar,
Manonmaniam Sundaranar University,
Abishekapatti,
Tirunelveli - 627 012.

7. The Assistant Director,
Local Fund Audit,
Tirunelveli - 627 002.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents 4 and 5 to consider the petitioner's representation dated 25.03.2022 and initiate necessary steps to send the pensionary and leave salary liabilities as advised by the sixth respondent Registrar in accordance with G.O.Ms.No.187, Finance (Pension) Department dated 13.04.2006 within a stipulated period.

For Petitioner : Mr.S.K.Kumaran

For Respondents : Mr.S.Shaji Bino
Spl. Govt. Pleader for R1-R3&R7
Mr.V.Karthick Raja
for M/s.Ajmal Associates for R6



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ORDER

The relief sought for in the present Writ Petition is to direct the respondents 4 and 5 to initiate necessary steps to send the pensionary and leave salary liabilities as advised by the sixth respondent / Registrar in accordance with G.O.Ms.No.187, Finance (Pension) Department, dated 13.04.2006 based on the representation, dated 25.03.2022 submitted by him.

2. The learned counsel for the petitioner submitted that the petitioner served as Tutor in English between 25.09.1975 to 10.10.1977 and again between 28.01.1978 to 11.01.1979. Then, he was upgraded as Assistant Professor from 12.01.1979 to 21.01.1993 in the Department of English in GTN Arts College, Dindigul. He was relieved on 21.01.1993 from GTN Arts College, Dindigul in accordance with G.O.Ms.No.187, Finance (Pension) Department, dated 13.04.2006, for enabling him to be appointed as Lecturer in English in Manonmaniam Sundaranar University on 22.01.1993. He was promoted as Reader and then, as Professor in Manonmaniam Sundaranar University. Thereafter, he retired from service



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during June 2012. At the time of granting his terminal benefits, his service at GTN Arts College, Dindigul from 25.09.1975 to 21.01.1993 was not considered and therefore, he was only paid a part pensionary benefits. In this regard, the Registrar of Manonmaniam Sundaranar University / sixth respondent addressed a letter to the Directorate of Collegiate Education, namely, the second respondent on 22.11.2016 for extending the benefits of service rendered by the petitioner in GTN Arts College, Dindigul as per G.O.Ms.No.187, Finance (Pension) Department, dated 13.04.2006. Similar letter was sent to the Principal of GTN Arts College, Dindigul, seeking information with regard to the leave salary contribution and pension contribution of the petitioner on 10.04.2017. Despite all these steps taken by the sixth respondent, there was no positive response from the respondents 4 and 5 and therefore, the petitioner is not able to avail the benefits for the services rendered by him in GTN Arts College, Dindigul, for his pensionary benefits. Therefore, this petition.



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3. Mr.S.Shaji Bino, learned Special Government Pleader, takes notice for the respondents 1, 2, 3 and 7 and Mr.V.Karthick Raja for M/s.Ajmal Associates, learned counsel takes notice for the sixth respondent.

4. Heard the submissions made by the learned counsel appearing for the parties and perused the materials placed before this Court.

5. On perusal, it shows that the petitioner served in his capacity as Tutor and Assistant Professor in English in GTN Arts College, Dindigul from 1975 to 1993. It is the case of the petitioner that this period was not considered for granting pensionary benefits and he was paid only part pensionary benefits.

6. It is pertinent to extract hereunder paragraph 4(1) of G.O.Ms.No.187, Finance (Pension) Department, dated 13.04.2006:-

"4(1) The pensionary liabilities for the period of services rendered by Teachers in Government / Aided Colleges who take up appointment in Universities shall be



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borne by the Government and paid to the Universities by the Government at the time of retirement of these teachers."

7. This Government Order makes it clear that the pensionary liabilities for the period of services rendered by Teachers in Government / Aided Colleges who take up appointment in Universities shall be borne by the Government and paid to the Universities by the Government at the time of retirement of these Teachers.

8. It is clear that the petitioner is entitled for consideration of his services rendered at GTN Arts College, Dindigul, for pensionary benefits. It is submitted that the petitioner has sent a representation to the respondents 4 and 5 on 25.03.2022 for arranging to get due authorisation of claim and his personal dues from the Accountant General and send the Demand Draft to the Registrar of Manonmaniam Sundaranar University enabling it to revise and sanction his full pension and whatever benefits accrued to him. It is further submitted by the learned counsel for the petitioner that even after this representation, no steps have been taken by the respondents 4 and 5.



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9. In the light of the facts narrated above and the entitlement of the petitioner as per G.O.Ms.No.187, Finance (Pension) Department dated 13.04.2006, this Court directs the respondents 4 and 5 to consider the petitioner's representation, dated 25.03.2022 within a period of four weeks from the date of receipt of a copy of this order.

10. With the above direction, this Writ Petition is disposed of. No costs.

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Index : Yes / No

Speaking Order : Yes / No

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