



WP(MD)No.19666 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **25.08.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.19666 of 2022

R.Panneerselvam

... Petitioner

/vs./

1.The Vice Chancellor,
Madurai Kamaraj University,
Palkalai Nagar, Madurai 625 021.

2.The Registrar,
Madurai Kamaraj University,
Palkalai Nagar,
Madurai 625 021.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to disburse the retirement benefits including pension to the petitioner within the time stipulated by this Court.

For Petitioner : Mr.T.Aswin Rajasimman
for Mr.T.Lajapathi Roy

For Respondents : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers
Standing Counsel



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ORDER

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By consent of both the parties, this writ petition is taken up for final disposal.

2. When the petitioner had reached his age of superannuation at 58 years, he had filed a writ petition before this Court in WP(MD)No.11519 of 2019, claiming that he is entitled to continue in service till the age of 60. On the strength of an interim order, dated 08.05.2019 passed in that writ petition, the petitioner continued in service after the age of 58 years. Thereafter, when the petitioner's monthly salaries, for the period of service after the age of 58 years were not paid, he had filed another writ petition before this Court in WP(MD)No.6429 of 2021, in which, interim order, dated 23.03.2021 was passed, directing the University to pay the monthly salaries, from 01.06.2019 onwards, which is claimed to have not been complied with.

3. In view of the pendency of these two writ petitions, the petitioner's retirement and pensionary benefits have now been withheld and hence, the petitioner seeks for disbursement of the retirement and pensionary benefits.



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4.The learned Standing Counsel appearing for the University submitted that the petitioner's claim for retirement and pensionary benefits till the age of 58 years is not disputed by the respondent University and in view of the pendency of these two writ petitions, they are not in a position to disburse such retirement and pensionary benefits.

5.When the service of the petitioner till he had attained the age of 58 years is not disputed, withholding of the retirement and pensionary benefits to the petitioner upto the age of 58 years is not justifiable.

6.The issue as to whether the petitioner can continue in service till 60 years, after attaining the age of 58 years, can be deliberated at a later stage in the other two pending writ petitions mentioned above. However, the admitted retirement and pensionary benefits, to which the petitioner is entitled to, till he had reached the age of 58 years, need not be withheld unnecessarily.

7.Accordingly, there shall be a direction to the respondents to forthwith disburse the retirement benefits accrued to the petitioner, for his service rendered till the age of 58 years, including pensionary benefits, within a period of eight (8)



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weeks from the date of receipt of a copy of this order. Such disbursement shall be subject to the final decision to be taken in the two writ petitions in WP(MD)No. 11519 of 2019 WP(MD)No.6429 of 2021. This Writ Petition stands allowed accordingly. There shall be no order as to costs.

25.08.2022

Index : Yes / No
Internet : Yes / No
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TO:

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M.S.RAMESH, J.

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Order made in
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Dated:
25.08.2022