



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2022

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P (MD) No.19678 of 2021

Mrs.B.Arul

...Petitioner

Vs.

The Madurai Kamaraj University,
Represented by its Registrar,
Palkalaipudur,
Madurai.

...Respondent

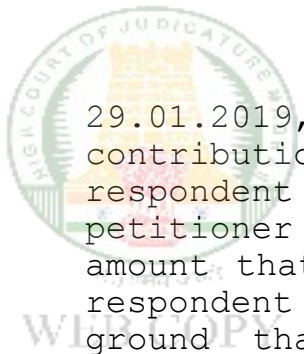
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to quantify in writing, the amount to be contributed by the petitioner towards her pension for the period of her work with the respondent University i.e from 22.03.1978 to 12.12.1984, so as to enable her to remit the same to Government as per G.O.D.No.19, Higher Education (F1) Department, dated 29.01.2019.

For Petitioner	: Mr.V.R.Shanmuganathan
For Respondent	: Mr.Muthuvel for M/s.Isaac Chambers.

O R D E R

This writ petition is filed for a Mandamus, directing the respondent to quantify the amount to be contributed by the petitioner towards the petitioner's pension contribution, so as to enable her to remit the same to Government, as per G.O.D.No.19, Higher Education (F1) Department, dated 29.01.2019.

2.The learned counsel for the petitioner submits that the petitioner joined in the respondent University, as Technician in the year 1978 and later appointed as Assistant Professor, under Rule 10 (a)(i) of Tamilnadu Subordinate Service Rules, on 12.12.1984. She also got an opportunity to work as Teaching Faculty in MVM Government Arts College for Women, Dindigul, on 14.12.1984 and without any break in service, she continued her service in the said College and the lien given to the petitioner was also periodically extended. The petitioner was also made permanent as Assistant Professor on 16.12.1988 and she retired from service on 31.03.2008 as Assistant Professor. After the retirement, her pension was also sanctioned by the Accountant General in the year 2008. However, her services from 22.03.1978 to 12.12.1984 with the respondent University was not taken into account. Therefore, the petitioner approached the Government and her request was also accepted by the Government vide G.O.D.No.19, Higher Education (F1) Department, dated



29.01.2019, on a condition that the petitioner has to remit pension contribution for the period from 22.03.1978 to 12.12.1984 with the respondent University. Based on the aforesaid Government Order, the petitioner approached the respondent University to ascertain the amount that she has to remit towards pension contribution. But the respondent University rejected the request of the petitioner, on the ground that since the petitioner resigned from the job, the University will not contribute for the said period towards pension.

3.Mr.Muthuvel, for M/s.Issac Chambers takes notice for the respondent and reiterated the stand of the University that since the petitioner has resigned from the job, the University would not contribute any amount towards her pension.

4.The learned counsel for the petitioner submits that if it is the difficulty for the university, she is prepared to pay the contribution of the university also along with her contribution, provided, if the respondent university calculate and furnish the amount, which has to be paid by the petitioner as well as by the respondent. The learned counsel appearing for the petitioner submits that the respondent University have also calculated the amount, which has to be paid towards contribution by the petitioner as well as university for the period from 22.03.1978 to 12.12.1984 and produced before this court. But, the statement produced by the respondent University is without any signature.

5.Heard both sides and perused the materials available on record.

6. In view of the subsequent developments, the writ petition is disposed of with a direction to the respondent University to quantify the contribution, which has to be paid by the petitioner as well as by the respondent, for the period from 22.03.1978 to 12.02.1984, within a period of six weeks from the date of receipt of a copy of this order to the petitioner and on such receipt of details furnished by the respondent University, it is open to the petitioner to deposit the amount before the Government Treasury as directed in G.O.D.No.19, Higher Education (F1) Department, dated 29.01.2019. No costs.

Sd/-

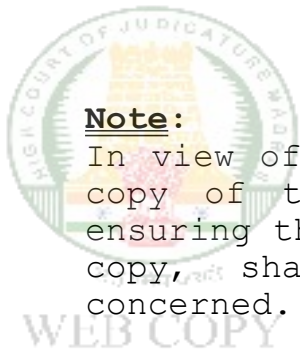
Assistant Registrar (W)

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/ /2022

Sub Assistant Registrar(CS)

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Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Registrar,
Madurai Kamaraj University,
Palkalaipudur,
Madurai.

+1 CC to M/s.VR.SHANMUGANATHAN, Advocate (SR-716[F] dated 07/01/2022)

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-780[F] dated 07/01/2022)

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