



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.23168 of 2021 and
W.M.P.(MD)Nos.19604 to 19606 of 2021

T.M.Venkatamurugan

... Petitioner

Vs.

1. The Joint Director of Collegiate Education,
30, Vaidynatha Iyer Street,
Shenoy Nagar, Madurai – 20.

2. The Secretary,
College Committee,
Madurai Institute of Social Sciences,
No.9, Alagarkoil Road,
Madurai – 625 002.

3. The Principal,
Madurai Institute of Social Sciences,
No.9, Alagarkoil Road,
Madurai – 625 002.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the impugned order in CMA No.4 of 2021 dated 06.07.2021 on the file of the learned Tribunal (Principal District Court), Maudrai confirming the order dated 02.12.2015 passed by the 3rd respondent in respect of the rejection of the application of the petitioner for VRS and quash the same and further



directing the 2nd and 3rd respondents to forward the proposal for petitioner's pension and retirement benefits to the 1st respondent and consequently directing the 1st respondent to sanction the pension and other retirement benefits to the petitioner on the basis of the voluntary retirement with effect from 30.09.2015.

For Petitioner : Mr.G.Prabhu Rajadurai

For R-1 : Mr.J.Ashok,
Additional Government Pleader.

For R-2 & R-3 : Ms.S.Selva Aditya

* * *

ORDER

Heard the learned counsel on either side.

2. The writ petitioner was appointed as Lecturer in Madurai Institute of Social Sciences in the year 1990. It is an aided institution. The petitioner was appointed against sanctioned regular vacancy. The petitioner applied for Voluntary Retirement on 30.06.2015. The management did not pass any order on the petitioner's application. Instead it issued charge memo dated 03.07.2015. The petitioner offered his



explanation. Enquiry was ordered. The petitioner moved this Court and obtained stay of the enquiry proceedings in W.P. (MD)No.22565 of 2015 vide order dated 17.12.2015. The aforesaid writ petition was eventually disposed of by relegating the petitioner to move the Tamil Nadu Private Colleges Appellate Tribunal. The petitioner in terms of the said liberty filed C.M.A.No.4 of 2021. Vide order dated 06.07.2021, the tribunal dismissed the appeal. Challenging the same, the present writ petition has been filed.

3. During the pendency of the proceedings, the writ petitioner and the management entered into a settlement. A Joint Compromise Memo dated 17.10.2022 filed by the parties and signed by the respective counsel has also been filed before this Court.

4. Taking into account the terms of the said compromise, the writ petition is disposed of as follows:-

(a) The petitioner withdraws his application for Voluntary Retirement. He shall join duty in the respondent college as Associate Professor (Social Work) on 07.11.2022.



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(b) The second respondent shall permit the petitioner to join duty and to continue to work as Associate Professor (Social Work).

(c) All the disciplinary actions initiated against the writ petitioner stand dropped.

(d) The second respondent shall send necessary proposal to the first respondent to regularise the period of absence of the petitioner in the respondent college. The said period will be treated as leave on loss of pay and it will be regularised for all other purposes by the first respondent.

(e) The writ petitioner shall not make any monetary claim against the management.

No costs. Consequently, connected miscellaneous petitions are closed.

03.11.2022

Index : Yes / No
Internet : Yes/ No

PMU

Note : Issue order copy on 04.11.2022



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