

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2022

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THE HON'BLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)Nos.5913 & 5914 of 2017

and

W.M.P.(MD)Nos.4688, 4689 & 4690 of 2017

M.Meena

... Petitioner (In both writ petitions)

Vs.

1. The State of Tamil Nadu,
represented by its Principal Secretary to the Government,
Higher Education Department,
Fort St.George,
Chennai-09.
2. The Director of Collegiate Education,
O/o. The Director of Collegiate Education,
DPI Campus,
College Road,
Chennai – 06.
3. The Joint Director of Collegiate Education,
O/o. The Joint Director of Collegiate Education,
Madurai Region,
Palam Station Road,
Sellur, Madurai – 02.

4. Senthamil Arts and Oriental College,
represented by its Secretary,
No.54, Tamil Sangam Road,
Madurai – 01. ... Respondents (In both writ petitions)

PRAYER in W.P.(MD)No.5913 of 2017: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, to declare the order of termination of service and the consequential request for the approval sent by the respondent no.4 as illegal and consequently direct the respondents to reinstate the petitioner back in service with all consequential benefits within time frame stipulated by this Court.

PRAYER in W.P.(MD)No.5914 of 2017: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to Impugned Order in Na.Ka.No.11/C2/2015, dated 27.03.2017 on the file of respondent no.4 and quash the same as illegal and consequently to direct the Respondent No.4 to re-instate the petitioner back in service with all consequential benefits.

(In both cases)

For Petitioner : Mr.T.Lajapathi Roy

For R1 to R3 : Mr.V.Om Prakash

Government Advocate

For R4 : Mr.E.V.N.Shiva

COMMON ORDER

The Writ Petition in W.P.(MD)No.5913 of 2017 is filed to declare the order of termination and the consequential request for the approval to the said termination order as illegal with the consequential relief to direct the respondents to reinstate the petitioner back in service with all consequential benefits within stipulated time.

2. The Writ Petition in W.P.(MD)No.5914 of 2017 is filed challenging the order of suspension order dated 27.03.2017, with the consequential relief to reinstate. Since the petitioner had attained superannuation on 31.03.2017, the respondents have passed an order of suspension on 27.03.2017.

3. Pending this writ petition, the learned Counsel for the petitioner as well as respondents submitted that the permission was

granted by the authorities to the dismissal order. Thereafter, the college has passed an order of dismissal on 09.10.2017 and the dismissal order was challenged before the Director of Collegiate Education, wherein, vide order, dated 20.07.2018, the Director of Collegiate Education has set aside the order of punishment of dismissal. This order is challenged before this Court in W.P.(MD)No.18192 of 2019 and the same is pending before the High Court for adjudication. The learned Counsel appearing for the petitioner submitted that since the subsequent order of dismissal is challenged before this Court, nothing survives for adjudication in the present writ petition.

4. The Learned Counsel for the petitioner submitted that the petitioner had served without salary for so many years. Therefore, prayed to direct the respondents to pay the terminal benefits since as on date there is no punishment.

5. The learned Counsel appearing for the respondents have objected to the said claim to disburse of terminal benefits, since the order

of the appellate authority is challenged by the respondents before this Court and the same is pending. However, this Court is not able to accept the plea of the respondents, since the petitioner had worked without any salary and has attained superannuation as on date, the punishment imposed is quashed by the appellate authority, then the petitioner is entitled to monetary benefits / terminal benefits. Hence, the respondents are directed to disburse the terminal benefits to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, both the Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

13.09.2022

Index : Yes / No

Internet : Yes / No

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To

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W.P.(MD)Nos.5913 & 5914 of 2017

S.SRIMATHY, J

jbr

Order made in
W.P.(MD)Nos.5913 & 5914 of 2017

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13.09.2022