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W.P. No.4101 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

23.03.2023

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THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.4101 of 2016 and W.M.P.No.3423 of 2016

and

W.P.No.4140 of 2016 and W.M.P.No.3470 of 2016

1. A. Sasikala ... Petitioner in W.P.No.4101 of 2016

2. T. Jayalakshmi ... Petitioner in W.P.No.4140 of 2016

Vs.

The Registrar,
Periyar University,
Periyar Palkalai Nagar,
Salem 636 011.

... Respondents in both the W.P's

PRAYER IN W.P.NO. 4101 OF 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records relating to the order of termination passed in proceedings in PU/Estt/D2/020257/2013-3 dated 26.08.2013 on the file of the respondent and quash the same.

PRAYER IN W.P.NO. 4140 OF 2016 Writ Petition is filed under Article



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226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records relating to the order of termination passed in proceedings in PU/Estt/D2/020257/2013-2 dated 26.08.2013 on the file of the respondent and quash the same.

For Petitioner : Mr. S. Doraisamy
For Respondents : M/s.P. Godson Swaminath

COMMON ORDER

These writ petitions have been filed calling for the records relating to the order of termination passed in proceedings in PU/Estt/D2/020257/2013-2 and PU/Estt/D2/020257/2013-2 dated 26.08.2013 on the file of the respondent and quash the same.

2. The case of the petitioners are that they were doing clerical work in the Respondent/University. The nature of their work is to receive applications from the candidates and forward the Demand Draft to the DD section. Whiles, it is alleged that the first petitioner failed to remit the Demand Draft which amounts to Rs.5,915/- and the second petitioner failed to remit the Demand Draft which amounts to Rs.3,200/-. Hence the Respondent/University passed an order in PU/Estt/D2/020257/2013-2 and



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PU/Estt/D2/020257/2013-2 dated 26.08.2013 and terminated the petitioners from the services. Hence this petition.

3. The learned counsel for the petitioners submitted that the first petitioner had sent the Demand Draft to the DD Section on the next day itself, with regard to second petitioner she was on maternity leave on the alleged date of occurrence. Hence there is no violation on the part of the petitioners and they have discharged their duties perfectly. Hence prays this Court to allow this petition.

4. The learned counsel for the Respondent submitted that when the petitioners were enquired about the allegations they both admitted the charges, hence, they were informed to share the said sums and remit the same to the University. The learned counsel further contend that the occurrence took place in the year 2013 and the impugned order was also issue during the same year, whileso, the petitioners have not chosen to challenge the impugner order of termination immediately and filed this writ petition after a lapse of 3 years i.e on 2016.



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6. At this juncture the learned counsel for the petitioner submitted they accepted the charges foisted against them only due to the compulsion made by the management and there was no evidence to prove the allegations foisted against these petitioners.

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

8. On a perusal of records, it is seen that the occurrence took place in the year 2013 and the petitioners were discharged from the services vide order dated 26.08.2013. The petitioners have also not come forward to challenge the order immediately and now, almost 10 years have been lapsed. Hence the impugned orders PU/Estt/D2/020257/2013-2 and PU/Estt/D2/020257/2013-2 dated 26.08.2013 passed the Respondent are hereby quashed. However, as there may be change in circumstances after a lapse of 10 years, this Court is inclined to remit the matter back to the Respondent for re-consideration. The Respondent is directed to consider the matter afresh after affording opportunity to the petitioners and pass orders



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within a period of four months from the date of receipt of a copy of this order.

19. Accordingly, theses Writ Petitions are disposed of on the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

23.03.2023

Speaking (or) Non Speaking Order

Index : Yes/ No

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To:

The Registrar,
Periyar University,
Periyar Palkalai Nagar,
Salem 636 011.

V.BHAVANI SUBBAROYAN, J.



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