



WEB COPY

W.P.No.35200 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

**W.P.No.35200 of 2022 &
W.M.P.Nos.34669, 34670 & 34671 of 2022**

P.Asokan

... Petitioner

VS.

1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Higher Education Department,
Secretariat, Chennai - 600 009

2.A.Karthik, I.A.S.,
Secretary to Government,
Higher Education Department,
Secretariat, Chennai - 600 009.

3.The Director of Collegiate Education,
Institute of Advance Study Campus,
577, Anna Salai,
Saidapet, Chennai - 600 015.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Certiorari and Mandamus calling for the records relating to the impugned orders of the first respondent issued in G.O.(4D).No.1, Higher



Education Department dated 28.02.2017 and also in G.O.(4D). No.2, Higher Education Department dated 28.02.2017 and quash the same and consequently to direct the first respondent to settle all the terminal benefits and the retirement benefits of Pension and DCRG amount due to the Petitioner, along with interest, as admissible under the Rules, within a reasonable period as may be fixed by this Court

For Petitioner : Mr.T.Ranganathan

For Respondents : Mr.Stalin Abimanyu,
Additional Government Pleader

ORDER

This writ petition has been filed challenging the G.O.(4D).No.1, and G.O.(4D).No.2 both dated 28.02.2017 issued by Higher Education Department.

2.Mr.Stalin Abimanyu, learned Additional Government Pleader accepts notice on behalf of the respondents. By consent of both parties, this writ petition is taken up for final disposal in the admission stage itself.

3. The grievance of the petitioner in this writ petition is that even though the disciplinary proceedings which was earlier initiated against the



petitioner has been dropped by issuance of G.O.(1D).No.115, Higher Education (K2) Department dated 16.04.2018, he has not been paid his terminal benefits, pension and DCRG amount payable to the petitioner, along with interest as admissible under Rules. The petitioner also claims that he was suspended from service by an ante-dated order dated 28.02.2017. The petitioner has retired from service on 28.02.2017. He has given a representation on 30.11.2022 to the respondents to revoke the impugned suspension order dated 28.02.2017 in the light of the G.O.(1D).No.115 dated 16.04.2018 issued by the Higher Education (K2) Department in his favour, wherein the disciplinary proceeding has been dropped. Since the representation has not been considered till date, he has filed this writ petition.

4. Heard Mr.T.Ranganathan, learned counsel for the petitioner and Mr.Stalin Abimanyu, learned Additional Government Pleader appearing for the respondents.

5. No prejudice would be caused to the respondents, if the petitioner's representation as stated supra is considered on merits and in accordance with law within a time frame to be fixed by this Court.



6. For the foregoing reasons, this Court directs the first respondent to pass final orders on merits and in accordance with law on the petitioner's representation dated 30.11.2022 requesting for revocation of the impugned suspension order dated 28.02.2017 within a period of eight weeks from the date of receipt of a copy of this Order.

7. With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

03.01.2023

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Index:Yes/No

Internet:Yes/No

Speaking/Non-speaking orders

Neutral citation: Yes/No



To

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ABDUL QUDDHOSE, J.
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