



W.A.(MD)No.865 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.A.(MD)No.865 of 2013
and M.P.(MD)No.1 of 2013

- 1.The Principal,
District Institute of Education and Training,
(DIET),
Pudukkottai.
- 2.The Director,
State Educational Research and Training Institute,
Chennai – 6.

... Appellants

Vs.

Dr.A.Muthuramalingam

...Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 18.06.2013 made in W.P.(MD)No.10963 of 2012 on the file of this Court.

For Appellants

: Mr.V.Om.Prakash
Government Advocate



W.A.(MD)No.865 of 2013

For Respondent : Mr.S.Mohamed Suhail
for M/s.Ajmal Associates

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JUDGMENT

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This Writ Appeal has been directed against the order passed by the Writ Court dated 18.06.2013 in W.P.(MD)No.10963 of 2012.

2. The respondent herein was the writ petitioner, who moved the said Writ Petition, seeking for a Writ of Mandamus, directing the respondents therein, who are the appellants herein, to retain the writ petitioner in service on reemployment terms till the end of academic year on 30.06.2013.

3. The said Writ Petition was allowed by the learned Judge on 18.06.2013, whereby, the appellants/respondents were directed to retain the service of the respondent/writ petitioner till 30.06.2013, therefore, on the date when the order was passed on 18.06.2013 only 12 days still more to get the service i.e., the extended service.



W.A.(MD)No.865 of 2013

4. Even that extended service was not given to the respondent and in the meanwhile, the appeal has been filed and the same has been pending all along. When the appeal is taken up for hearing today, it is reported before this Court by the learned counsel appearing for the respondent that the respondent died on 24.12.2021 and the learned Government Advocate appearing for the appellants has produced the death certificate issued by the concerned authority dated 11.01.2022.

5. Therefore, it is confirmed that the respondent is no more.

6. In this context, it is the contention of the learned counsel appearing for the respondent that, had the order passed by the learned Judge, which is impugned herein was implemented, the writ petitioner / respondent would have been in service atleast for some time, which was denied to him, therefore, such a removal made against the writ petitioner from service was illegal, based on which, for the whole one year period since the respondent was entitled to get salary that should be paid to the legal heirs of the respondent and based on which, the family pension also has to be calculated and for that relief something survives in this Writ Appeal.



W.A.(MD)No.865 of 2013

7. We have considered the said submissions made by the learned counsel on both sides and perused the materials placed before this Court.

8. First of all, the extension of service for a teaching staff till the end of the academic year is not a matter of right of an employee. This has been held in a number of cases. Such an extension of service is given at the discretion of the employer on need basis as in between i.e., during the academic year if the teaching staff, who has already been in service is superannuated, suddenly no alternative arrangement could be made to continue for taking classes for imparting education to the students concerned, only from the point of view of the students welfare such a gesture is shown for giving extension till the end of the academic year.

9. In the case of the respondent, such an extension was not given and on superannuation his service has come to an end. Thereafter, though he has filed a writ petition, which was allowed on 18.06.2013, by the time almost the one year period was over and only 12 days were remaining and even on the 12 days he has not worked admittedly. When that being so, the respondent is not entitled for any service benefits for the said one year



W.A.(MD)No.865 of 2013

period as admittedly in that period the respondent did not work.

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10. In view of the same, since the respondent is also no more, no more further benefit is accrued on the family of the respondent, hence, the Writ Appeal can be disposed of by recording the aforesaid that the respondent/deceased or his legal heirs are not entitled to seek for any benefit for the one year alleged extension period of service beyond the superannuation.

11. With these observations and directions, this Writ Appeal is disposed of. However, there shall be no order as to cost. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) & (K.K.R.K., J.)

20.03.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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W.A.(MD)No.865 of 2013

R.SURESH KUMAR, J.

AND

K.K.RAMAKRISHNAN, J.

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