



W.P.(MD).No.1462 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.01.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.1462 of 2023

M.Shajahan

... Petitioner

Vs.

1.The Joint Director of Collegiate Education,
Madurai Region, Palam Station Road,
Madurai – 625 002,
Madurai.

2.The Special Officer,
Madurai Institute of Social Sciences,
9, Alagarkoil Road, Madurai – 625 002,
Madurai District.

3.Dharmasingh,
Society of Madurai Institute of Social Science,
Alagarkovil Road,
Madurai – 2.

... Respondents

*(R-3 is suo moto impleaded vide Court Order dated 25.01.2023 in
W.P.(MD).No.1462 of 2023).*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to sanction and disburse monthly pension and other retirement benefits from 01.05.2022 onwards by considering petitioner' final representation dated 28.11.2022 within a reasonable time stipulated by this Court.



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For Petitioner : Mr.E.V.N.Siva

For Respondents : Mr.J.Ashok,
Additional Government Pleader.

ORDER

This Writ Petition is filed directing the respondents to sanction and disburse monthly pension and other retirements benefits from 01.05.2022 onwards by considering petitioner's final representation dated 28.11.2022.

2. The petitioner was working in the Madurai Institute of Social Science for more than 30 years and retired from service on 30.04.2022. The second respondent College is a private aided College governed by the provisions of Tamil Nadu Recognized Private Colleges (Regulation) Act and Rules. Since there was mismanagement in the Institute, the Government has initially ordered for direct payment, thereafter, Special Officer was appointed. The second respondent is the Special Officer, appointed to the College to manage the entire affairs of the institute. The claim of the petitioner is that even inspite of retirement, the second respondent has not submitted any proposals for the terminal benefits before the official respondents. Aggrieved over the same, the present Writ Petition is filed.



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3. The learned Additional Government Pleader appearing for the respondents submitted that even though the College is under the control of the Special Officers, the Institute has not handed over the keys where the documents are kept. The petitioner documents are within the custody of the College Management only.

4. However, the claim of the respondents is refuted by the petitioner by stating that since the respondents have appointed the Special Officer to the College and the entire Management is under the control of the Special Officer, the Special Officer is the appropriate authority to disburse the benefits.

5. However, the respondents claimed difficulty, since there are no keys for the cupboard in which the original documents were kept.

6. Therefore, this Court *suo motu* impleading one Mr.Dharmasingh, Secretary of Madurai Institute of Social Science, Alagarkovil Road, Madurai -2 as the third respondent.



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7. The said Dharmasingh, the third respondent is directed to hand over the keys to the second respondent within a period of three (3) days from the date of receipt of a copy of this order. Thereafter, the second respondent is directed to take all the documents, which are necessary for the proposals and thereafter process the same within a period of one (1) week thereafter. After completion of the process, the respondents shall disburse the entire terminal benefits to the petitioner within a period of two (2) weeks therefrom. If this schedule of time could not be adhered, the respondents shall consider the claim of the petitioner for granting provisional relief.

8. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

25.01.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr



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S.SRIMATHY, J.

Nsr

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25.01.2023