



W.P.(MD)No.5856 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.5856 of 2020

W.M.P(MD).Nos.5081 and 5855 of 2020

Dr.Sheela Joy

... Petitioner

Vs.

1.The Madurai Kamaraj University,
Rep.by its Registrar,
Palkalai Nagar,
Madurai-625 021.

2.The Deputy Director,
Local Fund Audit,
Madurai Kamaraj University,
Madurai-625 021.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the second respondent vide Ref.A.S.No.55 of 2018-2019 dated 16.07.2019 and quash the same, consequently, direct the respondents to disburse the petitioner's retirement monetary benefits with interest and monthly pension.



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W.P.(MD)No.5856 of 2020

For Petitioner

: Mrs.N.Krishnaveni
Senior counsel for
Mr.P.Thiyagarajan

For Respondents

: Mr.T.Cibi Chakraborty
for R1
Mr.S.P.Maharajan
Special Government Pleader
for R2

ORDER

This writ petition has been filed to call for the records relating to the impugned order of the second respondent vide Ref.A.S.No.55 of 2018-2019 dated 16.07.2019, quash the same and consequently, direct the respondents to disburse the petitioner's retirement monetary benefits with interest and monthly pension.

2. The case of the petitioner is that the petitioner is the Medical Practitioner and he joined as Medical Officer on part time in the Health Care Centre of the Madurai Kamaraj University in the year 1987. Thereafter, she was appointed as Assistant Surgeon in the regular vacancy and continuously worked in the respondent University in various



W.P.(MD)No.5856 of 2020

posts. All those promotions were approved by the Syndicate. The petitioner retired from service in the year 2018. After her retirement, the second respondent has passed the impugned order stating that petitioner is not entitled for the entire promotion arrear amount paid (23.10.2009 to 30.04.2018) to her. Challenging the same, the present writ petition has been filed.

3. The learned Senior Counsel appearing for the petitioner would submit that subsequent to the impugned order issued by the second respondent, the petitioner has made objection before the Vice Chancellor of the first respondent University and the first respondent University has constituted a High Level Committee. The High Level Committee has also opined their remarks to the Vice Chancellor of the first respondent University. Thereafter, the Vice Chancellor of the first respondent University has passed an order. However, the same has not been communicated to the petitioner. Hence, this Court may issue a direction to the first respondent to communicate the order passed by the Vice Chancellor of the first respondent to the petitioner to enable her to work



W.P.(MD)No.5856 of 2020

out her remedy.

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4. The learned counsel appearing for the first respondent would submit that after getting explanation from the petitioner, the Vice-Chancellor had constituted a Committee and submitted the report before the Syndicate held on 12.09.2020. The Syndicate has resolved to adhere to the remarks of the Government Letter, dated 05.09.2018 and directed to adjust the salary which was already paid from her retirement benefits. As per the said Syndicate Resolution, the time bound promotion given to the petitioner was cancelled by the Syndicate itself and the amount wrongly paid due to the time bound promotion was also adjusted from her retirement benefits. Thereafter, the University has settled her retirement benefits, which she is drawing now. However, the petitioner has not challenged the said proceedings.

5. Heard the learned Senior Counsel appearing for the petitioner, the learned counsel for the first respondent and the learned Special Government Pleader appearing for the second respondent.



W.P.(MD)No.5856 of 2020

WEB COPY

6. In view of the submission made by the learned Senior Counsel appearing for the petitioner, this Court, without interfering with the impugned order issued by the second respondent, is inclined to issue a direction to the first respondent University to furnish a copy of the order passed by the Vice Chancellor of the first respondent University to the petitioner to enable her to work out her remedy in the manner known to law.

7. Accordingly, this Writ Petition is disposed of. No costs. Connected miscellaneous petitions are also closed.

23.01.2023

ssb

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

5/7



W.P.(MD)No.5856 of 2020

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W.P.(MD)No.5856 of 2020

M.DHANDAPANI,J.

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W.P.(MD)No.5856 of 2020

23.01.2023