



W.P.(MD) No.9186 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.01.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.9186 of 2020
and WMP(MD) No.8392 of 2020

G.Kathiresan

... Petitioner

-VS-

- 1.The Registrar,
Tamilnadu Agricultural University
Coimbatore.
- 2.The Deputy Director,
Local Fund Audit,
Tamilnadu Agricultural University
Coimbatore.
- 3.The Comptroller,
Tamilnadu Agricultural University
Coimbatore.
- 4.The Dean
Agricultural Engineering College and Research Institute
(AEC&RI), Kumulur,
Trichy.
- 5.The Principal
Institute of Agriculture,
Agricultural Engineering College and Research Institute
(AEC & RI) Kumulur
Trichy.

... Respondents



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Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned letter No.A1/Rc.No./166/2018 dated 07.09.2018 on the proceedings of the 2nd respondent and the consequential impugned letter issued by the 3rd respondent in his proceedings No.P(1)/4759/2019 dated 11.12.2019 and quash the same as illegal and consequently direct the 4th and 5th respondents to disburse the retirement benefits along with interest to the petitioner from the date of the petitioner retirement on the eve of superannuation dated 31.03.2018.

For Petitioner : Mr.N.Anandakumar

For Respondents : Mr.A.Thirumurthy for R1 & R3

No appearance for R2,R4 and R5

ORDER

The writ petition has been filed challenging the impugned order of the respondents 2 and 3 dated 07.09.2018 and 11.12.2019 respectively and for a direction to the respondents 4 and 5 to disburse the retirement benefits along with interest to the petitioner from the date of the petitioner's retirement on the eve of superannuation dated 31.03.2018.



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2. The case of the petitioner is that initially he was appointed as Agricultural Officer at Sugarcane Reserve station, Sirugamani. Subsequently, he was promoted as Associate Professor and thereafter as Professor and Dean and got retired on 31.03.2018 as Professor (Agronomy) on attaining the age of superannuation. While in service, he was suspended on 30.12.2014, followed by a memo dated 08.04.2015. Thereafter, after completion of enquiry, final order came to be passed imposing a punishment of stoppage of one increment without cumulative effect. His suspension was subsequently revoked and the period of suspension was treated as duty. It is his further case that even after two years of his retirement, he was not paid the retirement and terminal benefits. Therefore, he sent a representation on 29.12.2019 to the respondents. In the meanwhile, the impugned order came to be issued by the 3rd respondent directing the 5th respondent to rectify the defects in the pension proposal and the service register on the basis of the letter dated 07.09.2018 issued by the local fund audit. Challenging both the impugned communication and letter, the present writ petition came to be filed.



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3. When the writ petition came up for hearing, the learned counsel for the petitioner would submit that during the pendency of the writ petition, the petitioner has been paid with the retirement and terminal benefits. However, recovery has been made from the terminal benefits for the suspension period ie., from 30.12.2014 to 07.09.2015. Therefore, the learned counsel would submit that liberty may be granted to the petitioner to file separate writ petitions challenging the recovery order as well as punishment imposed.

4. In view of the limited relief now sought for by the petitioner, without interfering with the impugned order, liberty is granted to the petitioner to work out his remedy in the manner known to law. The writ petition is disposed of accordingly. No costs. Consequently connected Miscellaneous Petition is closed.

09.01.2023

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



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M.DHANDAPANI, J.

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