



W.P.(MD)No.13976 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.13976 of 2020
W.M.P(MD).No.11634 of 2020

G.Kathiresan

... Petitioner

Vs.

1.The Registrar,
Tamil Nadu Agricultural University,
Coimbatore.

2.The Dean (Agriculture),
Agricultural College and Research Institute,
TNAU, Coimbatore-641 003.

3.The Comptroller,
Tamil Nadu Agricultural University,
Coimbatore.

4.The Deputy Registrar,
(Affiliation)
Tamil Nadu Agricultural University,
Coimbatore.

5.The Chairman and Managing Trustee,
St.John Sangam Trust,
Perambalur-621212,
Perambalur District.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Letter No.Dean (Agri)/Affi./SAO/TRIARD/Dr.G.K./Principal/Recovery/2020 dated 05.08.2020 on the proceedings of the second respondent and quash the same as illegal and consequently, direct the third respondent to process the pension proposal to the petitioner.

For Petitioner : Mr.N.Anandakumar

For Respondents : No-appearance

for R1 to R4

Mr.V.Panneerselvam for R5

ORDER

This Writ Petition has been filed to call for the records pertaining to the impugned Letter No.Dean (Agri)/Affi./SAO/TRIARD/Dr.G.K./Principal/Recovery/2020 dated 05.08.2020, issued by the second respondent, quash the same as illegal and consequently, direct the third respondent to process the pension proposal to the petitioner.



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2. The learned counsel appearing for the petitioner would submit that the petitioner was appointed as Principal at Thanthai Roever Institute of Agriculture and Rural Development, Valikandapuram Post, Perambalur District, vide appointment order, dated 31.05.2019 issued by the fifth respondent. However, the fifth respondent has passed the termination order against the petitioner on 15.02.2020 and relieved the petitioner from the College on 17.02.2020. Thereafter, the fifth respondent College has made a claim before the second respondent as if they have paid excess amount of Rs.1,41,379/- (Rupees One Lakh Forty One Thousand Three Hundred and Seventy Nine only) to the credit of the petitioner and thereby, the second respondent has issued the impugned letter directing the petitioner to remit the excess payment of a sum of Rs.1,41,379/- (Rupees One Lakh Forty One Thousand Three Hundred and Seventy Nine only). Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner has been terminated prematurely by the fifth



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respondent. If the person has to be terminated prematurely, there must be a three-month's notice. Without conducting any enquiry and issuing three-month's notice, the fifth respondent has terminated the petitioner which is not sustainable one. The fifth respondent ought to pay the salary for three months of premature termination. In the present case, the fifth respondent has paid the salary only from 18.02.2020 to 29.02.2020 and for the month of March 2020 to the tune of Rs.1,41,379/- (Rupees One Lakh Forty One Thousand Three Hundred and Seventy Nine only). In fact, the fifth respondent has to pay the balance amount to the petitioner and without collecting the amount from the fifth respondent, the second respondent has mechanically issued the impugned letter which is not sustainable one. Hence, he prays for passing appropriate orders.

4. The learned counsel appearing for the fifth respondent would submit that the petitioner has not challenged the termination order and received the salary paid to him for the period from 18.02.2020 to 31.03.2020 (non-employment period). When the same was ordered to be collected from him, he has chosen to file the present writ petition with a



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malafide motive to escape from the liability to refund the ineligible amount. Hence, he prays for dismissal of the present writ petition.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the fifth respondent.

6. The facts in the present case are not in dispute. Admittedly, the petitioner was appointed as Principal in the fifth respondent Trust on 31.05.2019. However, he was prematurely terminated by the fifth respondent Trust on 15.02.2020 and was relieved from the fifth respondent Trust on 17.02.2020. Thereafter, the fifth respondent has made a claim before the second respondent that the excess amount was paid to the petitioner for a period of 12 days (from 18.02.2020 to 29.02.2020) and for the month of March 2020 to the tune of Rs.1,41,379/- (Rupees One Lakh Forty One Thousand Three Hundred and Seventy Nine only) and thereby, the second respondent has issued the impugned letter dated 05.08.2020 directing the petitioner to remit the excess amount of Rs.1,41,379/- (Rupees One Lakh Forty One Thousand



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Three Hundred and Seventy Nine only). However, the fact remains that when the fifth respondent has terminated the petitioner prematurely, the fifth respondent has to issue a three-month's notice. But, without conducting any enquiry and without issuing premature notice, the order of termination was passed by the fifth respondent. Thereafter, on the basis of the claim made by the fifth respondent, the second respondent has issued the impugned letter dated 05.08.2020, which is liable to be interfered with and accordingly, the impugned letter issued by the second respondent dated 05.08.2020 is quashed.

7. This Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

22.02.2023

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



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M.DHANDAPANI,J.

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