



W.P.(MD).No.16020 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.16020 of 2023

P.Nagoorkani

... Petitioner

Vs.

1.The Principal Secretary to Government,
Higher Education Department,
Government of Tamil Nadu,
Secretariat,
Chennai-600 009.

2.The Registrar,
Madurai Kamaraj University,
Madurai-625 021.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to increase the petitioner Superannuation age from 60 to 65 years in the light of G.O.(Ms)No.29, dated 25.02.2021 based on the petitioner's representation, dated 28.01.2022 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.A.D.Ganeshamoorthi



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For R1 : Mr.N.Ramesh Arumugam
Government Advocate

For R2 : Mr.T.Cibi Chakraborty

ORDER

The present writ petition has been filed seeking direction to the respondents to increase the petitioner Superannuation age from 60 to 65 years in the light of G.O.(Ms)No.29, dated 25.02.2021 based on the petitioner's representation, dated 28.01.2022 within the time limit that may be stipulated by this Court.

2. The petitioner is working as an Associate Professor and Head of the Department of Modern History, School of Historical Studies in Madurai Kamaraj University, Madurai. On 20.04.2010, he was transferred to the 2nd respondent university as Assistant Professor in the Department of Modern History, School of Historical Studies with proper NOC and relieving order with G.O.



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3. The learned counsel for the petitioner would submit that the Government of Tamil Nadu has announced Government servants retirement age as 60 years vide G.O(Ms)No.29, dated 25.02.2021, Personnel and Administrative Reforms Department, wherein it is stated that the age of the superannuation of the Government servants, teachers etc., is increased from 59 to 60 years. In terms of the affidavit filed by the petitioner, the date of retirement of the petitioner is 30.06.2023 and by this time, he might have retired from service. However, he had sent a representation to the respondents on 28.01.2022 seeking to increase the age of superannuation from 60 to 65 years and also he made a representation to the Chief Minister Grievance Cell on 01.03.2022 and the same was also forwarded to the 1st respondent for necessary action.

4. However, the learned counsel for the 2nd respondent relying on Chapter 8, Statute 7 of Madurai Kamaraj University Statutes, submitted that whenever there is a permanent appointment, it shall be subject to an age limit which shall be 60 years. He also relied on G.O.Ms.No.350, dated 09.09.2009 of Higher Education (H1) Department, wherein it is mandated that the retirement age shall be continued as 58 years for College teachers and 60 years for



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University teachers and there shall be no re-employment beyond the age of superannuation. The learned counsel for the 2nd respondent also vehemently contended that G.O(Ms)No.29, dated 25.02.2021 of the Personnel and Administrative Reforms (S) Department relied by the learned counsel for the petitioner would not be applicable to the facts and circumstances of this case, because it was issued during the covid period, as a stop gap arrangement.

5. That apart, the learned counsel for the petitioner insisted to allow the writ petition, since it is only a writ of mandamus seeking to consider his representation. The learned counsel for the petitioner also contended that it is not the 2nd respondent, who has to take a final call and it is the Government who has to make a final decision as to the policy with respect to the age of superannuation. He also relied on the notification to this effect made by the Telangana Government and also a judgment passed by Maharashtra Administrative Tribunal, Nagpur Bench in Original Application No.141 of 2019. However, this Court is not inclined to interfere with the policy matters of the Government. The learned Government Advocate for the 1st respondent



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submitted that it is policy decision of Government and hence, no interference is called for.

6. In view of the same, this Court is of the considered view that this writ petition liable to be dismissed. The Writ Petition stands dismissed. No costs.

04.07.2023

NCC : No
Index : No
Internet : No

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To

The Principal Secretary to Government,
Higher Education Department,
Government of Tamil Nadu,
Secretariat,
Chennai-600 009.



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L.VICTORIA GOWRI, J.

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