



WEB COPY



W.P. No.1132 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.1132 of 2021

and

W.M.P.Nos.1263 & 1264 of 2021

K.Ilanchezhian

... Petitioner

Vs.

1.The Vice Chancellor
University of Madras
Chepauk,
Chennai – 600 005.

2.The Registrar,
University of Madras
Chepauk,
Chennai – 600 005.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari calling for the records relating to the order dated 24.09.2019 made in proceedings of the 2nd respondent, vide Official Communication dated 24.09.2019 in No.F.1(b)/Estt/2019/597 on the file of the Registrar, University of Madras, Chennai and quash the same and pass appropriate orders.

For Petitioner : A.V.Arun

For respondents : Ms.V.Sudha

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ORDER

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The petitioner herein was appointed as Attender in the respondent University through Office Communication dated 08.05.2012 on compassionate grounds. While the petitioner was working as such, he was subjected to disciplinary proceedings, by placing him under suspension, through Office Memorandum dated 07.02.2019. Thereafter, a charge memo dated 29.04.2019 was issued and consequently, on conclusion of disciplinary proceedings, the respondent University imposed the punishment of compulsory retirement on the petitioner through Official Communication No.F.1(B)/Estt/2019/597 dated 24.09.2019.

2. Aggrieved by the said proceeding, the petitioner approached this Court on earlier occasion by filing writ petition in W.P.No.32160 of 2019 and the learned Single Judge of this Court having taken note of the fact that the petitioner already availed the remedy of appeal provided under relevant Rules, by filing an appeal dated 11.10.2019. The petitioner further submitted representations dated 26.02.2020 and 27.10.2020 and requested the respondents to reinstate the petitioner into service. However, the said request



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was rejected by the 2nd respondent by passing the orders dated 29.05.2020 and another order dated 16.02.2021. In view of the same, the petitioner once again approached this Court by filing the present writ petition challenging the very same proceedings, dated 24.09.2019 which was impugned in the previous writ petition.

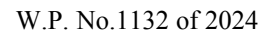
3. This Court, after having heard the learned counsel on either side, on an earlier occasion on 25.07.2024, intended to know whether the appeal dated 11.10.2019 filed by the petitioner against the impugned order dated 24.09.2019 was disposed of by the appellate authority or not. Today, when the matter is taken up for consideration, Ms.V.Sudha, learned counsel appearing for the respondents, though tried to contend that the said appeal was disposed of by the respondents by passing orders, dated 29.05.2020 and 16.02.2021, this Court is of the considered view that the said orders were passed by the Registrar, who is not the appellate authority and there also appears to be no decision taken by the respondents on the appeal dated 11.10.2019 filed by the petitioner against the impugned order dated 24.09.2019.



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4. Though appeal dated 11.10.2019 shown to have been filed before the 1st respondent herein, the learned counsel appearing for the respondents as to whether the 1st respondent herein can entertain the appeal or not. It is basing upon the submission made by the learned counsel for the 1st respondent University in W.P.No.32160 of 2019, the said writ petition was disposed of by this Court on 18.11.2019.

5. In the circumstances, it is obligatory on the part of the respondents to consider the said appeal dated 11.10.2019 filed by the petitioner in accordance with law. Accordingly, the respondents herein are directed to place the said appeal filed by the petitioner before the appellate authority in terms of the Rules within a period of four (4) weeks from the date of receipt of a copy of this order and the said appellate authority is further directed to dispose of the said appeal as expeditiously as possible at any rate within a period of twelve (12) weeks from the date of placing the appeal before the appellate authority and communicate the order passed thereon to the petitioner. In case if the petitioner intends to have the



6. Accordingly, the writ petition is disposed of and the connected miscellaneous petitions, if any shall stand closed. No costs.

29.07.2024

Index : Yes/No
Speaking Order : Yes/No
dpa

To:

1.The Vice Chancellor
University of Madras
Chepauk,
Chennai – 600 005.

2.The Registrar,
University of Madras
Chepauk,
Chennai – 600 005.



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MUMMINENI SUDHEER KUMAR,J.

dpa

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