



WEB COPY



W.P.No.41582 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.41582 of 2016

and

W.M.P.Nos.13351 of 2017 and 6950 of 2019

Dr.Ordetta Hanna Mendoza

... Petitioner

Vs.

1.Government of Tamil Nadu,
Rep by the Director of Collegiate Education,
Chennai-600 006

2.University of Madras,
Rep by its Registrar,
Chepauk, Chennai-600 005

3.Stella Maris College (Autonomous- Aided),
Rep by its Secretary,
Chennai-600 086.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, Calling for the records to relating to the order of dismissal bearing ref. No. nil dated 18.03.2016 passed by the 3rd respondent College (Ex-A) and to quash the same as being illegal, malafide, perverse,



W.P.No.41582 of 2016

and contrary to the Principles of Natural Justice and for a consequential direction to the 3rd respondent College to reinstate the Petitioner in service w.e.f. the date of dismissal (Ex-A), and to continue in service till her date of superannuation, (i.e. June 2020) and to grant her full back wages together with all other attendant benefits.

For Petitioner : M/s.N.G.R.Prasad
for M/s.Row and Reddy
For Respondents :
(for R1) : M/s.R.Kumarave, AGP
(for R2) : M/s.A.Shabnam Banu
(for R3) : M/s.P.Godson Swaminath

ORDER

The above Writ Petition has been filed to call for the records to relating to the order of dismissal bearing ref. No. nil dated 18.03.2016 passed by the 3rd respondent College (Ex-A) and to quash the same as being illegal, malafide, perverse, and contrary to the Principles of Natural Justice and for a consequential direction to the 3rd respondent College to reinstate the Petitioner in service w.e.f. the date of dismissal (Ex-A), and to continue in service till her date of superannuation, (i.e. June 2020) and to grant her full back wages



together with all other attendant benefits.

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2. After extensive arguments on both sides the Court had suggested that the punishment now granted could be modified to one of a Voluntary Retirement with effect from 31.12.2019. All the parties on principle have agreed to the above. Therefore, the Writ Petition is disposed of with the following directions:-

i. The punishment of the Petitioner is modified to one of voluntary retirement with effect from 31.12.2019. Considering the fact that the punishment is now been treated as voluntary retirement, the procedures as contemplated under Rule 56 of the Fundamental Rules shall be followed.

ii. The petitioner shall make necessary application to the 3rd respondent within a period of 2 weeks from the date of receipt of a copy of this order and within a period of 3 weeks therefrom the college shall process the same and forward it to the 1st respondent. The 1st respondent shall thereafter process it within a period of 8 weeks from the date of receipt of the application from the 3rd



W.P.No.41582 of 2016

respondent.

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iii. The increments till the date of the modified superannuation will be calculated notionally for the purpose of pension, DCRG and other terminal benefits from the date of termination, i.e; 18.03.2016 till the modified date of superannuation i.e; 31.12.2019.

iv. The 3 months notice period as contemplated under Rule 56(3) of the Fundamental Rule is dispensed with.

3. It is needless to state that financial implications shall follow procedure considering the fact that the post is an Aided post. The management will not be tied with the financial implications and the 1st respondent shall process the disbursement at the earliest. No costs. Consequently, the connected Miscellaneous Petitions are closed.

23.07.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No



W.P.No.41582 of 2016

Neutral Citation : Yes/No

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P.T. ASHA. J.,

(shr)

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