



W.P(MD)No.825 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.825 of 2024

P.Govindasamy

... Petitioner

Vs.

1.The State of Tamil Nadu,
Through its Secretary to Government,
Tamil Development Department,
Fort St.George,
Chennai.

2.The Director,
Tamil Development Department,
Thamizh Salai, Egmore,
Chennai.

3.The Tamil University,
Through its Registrar,
Thanjavur.

4.The Assistant Director of Local Fund Audit,
Tamil University,
Thanjavur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent herein to disburse all the retiral benefits due to the petitioner and continue to pay him



W.P(MD)No.825 of 2024

the monthly pension, all calculated on the last drawn scale of the petitioner viz Rs.1,44,200 - 2,18,200 i.e., 1,77,400/-.

For Petitioner : Mr.VR.Shanmuganathan

For R1, R2 & R4 : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The present writ petition has been filed seeking direction to the respondent herein to disburse all the retiral benefits due to the petitioner and continue to pay him the monthly pension, all calculated on the last drawn scale of the petitioner viz Rs.1,44,200 - 2,18,200 i.e., 1,77,400/-.

2. Considering the nature of the leave to be granted, the issuance of notice to the 3rd respondent is dispensed with. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner has joined service on 27.07.1988 as Manager in Publication Department on consolidated pay with the Tamil University, Thanjavur. He worked in various departments on consolidated pay from 04.10.1989 to 30.12.1992. He was brought under time scale in the post of



W.P(MD)No.825 of 2024

WEB COPY

Research Assistant in the Department of Drama from 31.12.1992. Thereafter, he was appointed as Assistant Professor (Lecturer) in the said University on 25.06.2007. He was appointed with effect from 10.12.2012 as Director of Students Counselling and Grievance Cell in Bharathidasan University. The same was on lien basis, pursuant to the lien granted by Tamil University initially for one year and later extended till 09.12.2015. As per norms, lien cannot be extended beyond 5 years i.e., 09.12.2017 in the instant case. The Bharathidasan University vide order, dated 01.12.2015 relieved the petitioner from 09.12.2015 after the period of lien was over on 09.12.2015. Challenging the same, the petitioner has filed W.P(MD)No.21749 of 2015 and an interim order of stay was granted on 04.12.2015 and he continued to work as Director in Bharathidasan University till 04.12.2018 i.e., the date when the said writ petition was closed as withdrawn.

4. In the interregnum period, the Tamil University called for application for the post of Professor in Drama Department. The petitioner was appointed pursuant to the selection process as Professor with effect from 05.12.2018 in the Tamil University. The appointment order was based on syndicate resolution, dated 27.01.2018 and proceedings of Vice Chancellor, dated



W.P(MD)No.825 of 2024

WEB COPY

28.03.2018 of Tamil University. NOC was granted by Bharathidasan University and vide proceedings, dated 04.04.2018 of Bharathidasan University relieved the petitioner was relieved from service of the said University. The petitioner's probation was later declared with effect from 04.04.2020 and his pay was fixed at time scale of Rs.43000-67000 + grade pay 10000 with basic pay at Rs.53000 (43000+10000). From 05.04.2018 till his retirement on 30.06.2021, he worked in the Tamil University. Without any break in service, he served in a teaching / research post. While so, in 2018-19, audit report of Tamil University in para 43 raised objections to the effect that lien for the petitioner was only till 09.12.2017. However, the petitioner had worked in Bharathidasan University till 04.04.2018. That apart, the petitioner's job at Bharathidasan University was a non-teaching post. Thereafter, considering his service from 2013 to 2017 also as teaching experience for appointment as Professor is wrong. For which, the petitioner submitted a detailed explanation to the audit objections and the same was accepted by the University. Based on the said explanation, the said file with respect to audit report was closed. The petitioner was retired on 30.06.2021. On attaining the age of retirement, vide proceedings, dated 05.07.2021 only 50% of his pensionary benefits were released. By proceedings, dated 30.09.2021, his 50% pension was enhanced to full pension. Vide



W.P(MD)No.825 of 2024

proceedings, dated 04.05.2023, a sum of Rs.5 lakhs out of 10 lakhs withheld under DCRG was also released. The petitioner made a representation, dated 10.07.2023 seeking to release the pensionary benefits to which he is entitled to. However, the same was not considered. Hence, this Writ Petition came to be filed.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6. Without going into the merits of the case, this Court hereby direct the 2nd respondent to consider the representation of the petitioner, dated 10.07.2023 and pass appropriate orders in accordance with law within a period of eight (8) weeks from the date of receipt of copy of this order.



W.P(MD)No.825 of 2024

WEB COPY

7. With the above said observations, this Writ Petition stands disposed of. No costs.

18.01.2024

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

To

- 1.The Secretary to Government,
The State of Tamil Nadu,
Tamil Development Department,
Fort St.George,
Chennai.
- 2.The Director,
Tamil Development Department,
Thamizh Salai, Egmore,
Chennai.
- 3.The Assistant Director of Local Fund Audit,
Tamil University,
Thanjavur.



WEB COPY



W.P(MD)No.825 of 2024

L.VICTORIA GOWRI, J.

gbg

W.P(MD)No.825 of 2024

18.01.2024