



W.P.(MD)No.6457 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.6457 of 2024 &
W.M.P.(MD)No.6039 of 2024

R.Malaichamy

... Petitioner

vs.

The Madurai Kamaraj University,
Rep. by its Registrar,
Palkalai Nagar, Madurai.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned resolution of the syndicate of the respondent University dated 26.10.2023 pertaining to Item No.39 is concerned and consequently direct the respondent to treat the petitioner as a member of the General Pension Scheme (old pension scheme) as per the Syndicate's resolution dated 18.08.2023 and by implementing the proceedings of the respondent in Memo.No.Estt/1/ADMN.6/OPS/MKU/2023 dated 18.10.2023.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondent : Mr.T.Cibichakraborty,
Standing counsel



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ORDER

Heard Mr.M.Mahaboob Athiff, learned counsel for the petitioner and Mr.T.Cibichakraborty, learned Standing Counsel for the respondent.

2. The petitioner has filed this petition seeking a Writ of Certiorarified Mandamus to call for the records relating to the Resolution of the Syndicate dated 26.10.2023 pertaining to Item No.39; quash the same and consequently direct the respondent to treat him as a member of the General Pension Scheme (old pension scheme) as per the Syndicate's resolution dated 18.08.2023, by implementing the proceedings of the respondent in Memo.No.Estt/1/ADMN.6/OPS/MKU/2023 dated 18.10.2023.

3. The petitioner who has been given with a benefit of coming under Old Pension Scheme instead of New Contributory Pension Scheme by virtue of the proceedings of the respondent University dated 18.10.2023 has filed this writ petition challenging the subsequent



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Resolution of the Syndicate dated 26.10.2023.

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4. The Minutes with regard to item no.39 of the Syndicate

Meeting held on 26.10.2023 is extracted hereunder.

"Item No.39

The Appointment Committee at its meeting held on 23.05.2023 had approved the matter of changing employees from contributory pension scheme to old pension scheme and to include the past services rendered by the some of the staff appointed after 01.04 2004 into the old pension scheme and the Minutes of the meeting of the Appointment Committee was placed before the Syndicate at its meeting held on 18.08.2023 and got approved. In this regard a communication has been issued to the staff (Memo. No. Estt-1/Admn.6/OPS/MKU/2023, dated 18.10.2023) before the approval of the Finance Committee.

Now, this agenda has to be placed before the Finance Committee for further consideration and the communication issued be withdrawn immediately.

Minutes:

Resolved that this be placed in the Finance Committee for further Consideration and approval.



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*Further resolved that the communication issued to the staff
(Memo. No. Estt-1/Admn.6/OPS/MKU/2023, dated 18.10.2023)
be withdrawn immediately."*

5. Mr.M.Mahaboob Athiff, learned counsel appearing for the petitioner submitted that by virtue of the above Resolution, a decision has been taken by the Syndicate to withdraw the earlier benefit given to the petitioner who was placed under Old Pension Scheme.

6. However, Mr.T.Cibichakraborty, learned counsel appearing for the respondent University submitted so far the matter has not been placed before the Finance Committee; till date, no decision has been arrived; and hence the writ petition itself is a pre-mature one.

7. In the earlier proceedings of the respondent University dated 18.10.2023, the petitioner was allowed to come under Old Pension Scheme instead of New Pension Scheme by counting his service from the date 14.11.2000 instead of 14.11.2005, as per the Syndicate Resolution dated 18.08.2023. Even though the Finance Committee has not taken any



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decision till date, it is glaringly visible that the petitioner would be deprived from the benefit of coming under the Old Pension Scheme. Despite a decision has been taken detrimentally, the petitioner was not given with any notice to offer his explanation.

8. At this juncture, learned standing counsel appearing for the respondent University submitted that the petitioner has to wait until the Finance Committee takes a decision and thereafter, challenge the same, if the decision does not favour him.

9. In view of the above submission, this writ petition is disposed of and the petitioner is at liberty to challenge the decision of the Finance Committee by filing a writ petition afresh, if the decision taken by the Finance Committee goes detrimental to his interest. No costs. Consequently, the connected Miscellaneous Petition is closed.

24.04.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order
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R.N.MANJULA, J.

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