



W.P.(MD).No.12410 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.12410 of 2024

R.Malaichamy

...Petitioner

Vs

1.The Madurai Kamaraj University,
Represented by its Registrar,
Palkalai Nagar,
Madurai.

2.The Finance Committee,
Represented by its Convenor,
Madurai Kamaraj University,
Madurai.

3.The Secretary,
Department of Finance,
Government of Tamil Nadu,
Fort St.George,
Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, directing the second respondent to pass final orders on the issue referred to it by the syndicate of the first respondent University by its resolution in item no. 39 dated 26.10.2023, within the time that may be stipulated by this Court.



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For Petitioner : Mr.M.Mahaboob Athiff

For R-1 : Mr.T.Cibichakraborty

For R-2 and R-3 : Mr.J.Ashok
Additional Government Pleader

ORDER

Heard Mr.M.Mahaboob Athiff, learned counsel for the petitioner, Mr.T.Cibichakraborty, learned counsel for the 1st respondent and Mr.J.Ashok, learned Additional Government Pleader for the respondents 2 and 3.

2. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3. Mr.M.Mahaboob Athiff, learned counsel for the petitioner submitted that the petitioner who is aggrieved due to the inaction on the part of the Finance Committee in taking a decision has come out with this Writ Petition for issuance of Writ of Mandamus, seeking direction against the second respondent to pass final order on the proposal recommended by the Syndicate of the University, to the effect of placing the petitioner under the Old Pension Scheme.



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4. Earlier, the very same petitioner has filed a Writ Petition in W.P.(MD)No.6457 of 2024 seeking to quash the impugned resolution of the syndicate of the respondent University dated 26.10.2023, pertaining to Item No.39 is concerned and direct the respondent University 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 dated 18.10.2023. When the Writ Petition came up for hearing, the learned Standing Counsel for the respondent University submitted that the petitioner has to wait until the Finance Committee takes a decision. In case, if the decision does not favour him, he is at liberty to challenge the same. In view of the submission, this Court has passed the following order in the above Writ Petition on 24.04.2024:

“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 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 would go detrimental to his interest. No costs. Consequently, the connected Miscellaneous Petition is closed.”

5. Since the Finance Committee has not taken a call yet and the resolution of the syndicate has neither approved nor disapproved, the petitioner has come out with this Writ Petition seeking a direction against the second respondent to decide on the recommendation made by the syndicate.



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6. Mr.T.Cibichakaraborthy, learned counsel for the University submitted that the Finance Committee has scheduled its next meeting during October 2024. As the matter is placed in the next Finance Committee meeting, the decision will be taken then.

7. The petitioner was retired from service on 31.03.2024 and he was not given with any terminal benefits. Though the petitioner is entitled to the terminal benefits, he has not received the sanction order of the same. In such circumstances, it is totally insensitive on the part of the respondents 1 and 2 to state that decision will be taken only when the Finance Committee would convene its meeting at its sweet will in the month of October 2024, without even considering any one's grievance or urgency. It is not fair on the part of this Court to interfere in the internal administration of the University including its financial decision and on that score a direction cannot be not given for taking a particular decision. But the University cannot leave the individuals at lurch without taking any decision by withholding their financial benefits, despite knowing that the petitioner had attained retirement as on 31.03.2024 itself.



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8. In view of the above stated reasons, this Writ Petition is **allowed** with a direction to the second respondent to convene the meeting at the earliest and take a decision on the proposal submitted in this regard by the syndicate and pass a resolution to that effect and furnish the copy of the same to the petitioner through proper channel. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs.

12.06.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

Nsr

To:

1.The Registrar,
The Madurai Kamaraj University,
Palkalai Nagar, Madurai.

2.The Convenor,
The Finance Committee,
Madurai Kamaraj University,
Madurai.

3.The Secretary,
Department of Finance,
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R.N.MANJULA, J.

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