



WP(MD). No.13337 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 24/06/2024

CORAM

The Hon`ble Ms.Justice R.N.MANJULA

WP(MD). No.13337 of 2024

Nagoor Kani .P

... Petitioner

Vs

The Principal Secretary to Government,
Higher Education Department,
Government of Tamilnadu,
Secretariat,
Chennai-600 009.

... Respondent

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to consider petitioner's representation dated 07.11.2023 in the light of UGC norms and other states GOs increase the Tamil Nadu all Universities Teachers Superannuation aged from 60 to 65 years with effect from in GO(Ms).No.29 dated 25.02.2021 and the same was issued by Personnel and Administrative Reforms(s) Department within the time limit that may be stipulated by this Court.

For Petitioner : Mr.A.D.Ganeshamoorthi,
For Respondent : Mr.M.Siddharthan
Special Government Pleader



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ORDER

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The writ petition has been filed for a mandamus directing the respondent to consider petitioner's representation dated 07.11.2023 in the light of UGC norms to increase the Tamil Nadu all Universities Teachers Superannuation from 60 to 65 years with effect from dated 25.02.2021, ie., from the date of issuance of the G.O.Ms.No.29 by Personnel and Administrative Reforms(s) Department.

2. Heard Mr.A.D.Ganeshamoorthi, learned counsel for the petitioner and Mr.M.Siddharthan, learned Special Government Pleader for the respondent.

3. By consent, the writ petition is taken up for disposal.

4. The petitioner, who is working as Associate Professor, has submitted a representation on 07.11.2023 to the respondent for increasing the retirement age from 60 to 65 years by considering the aforesaid G.O.



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5. The learned counsel for the petitioner submitted that the other States, which are governed under the UGC Regulations, have increased the age of superannuation of the Universities Teachers and others from 60 to 65 years. Even the Government order referred by the petitioner in G.O.Ms.No.29 dated 25.02.2021 refers about increasing the age of superannuation from 60 to 65 years. Therefore, the petitioner claims that the age of superannuation is to be raised from 60 to 65 years.

6. Even the very same petitioner has filed a writ petition in WP(MD) No.16020/2023 seeking the very same relief. Since the writ petition was dismissed, the petitioner has challenged the said order by filing an intra Court appeal in WA(MD) No.1811/2023 and this Court, vide judgment dated 10.10.2023, has observed as under:

“6. Therefore, we do not find any infirmity in respect of the findings made by the learned Single Judge in the writ petition. The learned Senior Counsel appearing on behalf of the appellant urged us by stating that the representation submitted by the appellant before the Government in this regard is pending for about 1 ½ years. It is for the petitioner to pursue the same before the Government either through himself or through



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Service Associations or otherwise. However, the High Court cannot suggest that the age of retirement has to be enhanced or otherwise, which is the prerogative of the employer concerned. Thus, we confirm the order passed in W.P.(MD)No.16020 of 2023 dated 04.07.2023.”

7. By citing the above judgment, the learned Special Government Pleader submitted that the petitioner's representation with regard to the enhancement of age of superannuation has already been settled and hence, the prayer sought for by the petitioner is baseless.

8. It is seen that the petitioner has already tested the water by filing a writ petition, which was negatived and in appeal, an observation has been made to the effect that it is the policy decision of the employer/Government to enhance the age of superannuation. In the given circumstances, it is unnecessary to exercise the discretion of this Court to give another direction to the respondent to consider the claim of the petitioner. However, it is up to the respondent/Government to take any policy decision and pass any orders thereon.



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9. The writ petition is disposed of with the above observations. No costs.

24.06.2024

RR

TO
The Principal Secretary to Government,
Higher Education Department,
Government of Tamilnadu, Secretariat,
Chennai-600 009.



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R.N.MANJULA,J

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