



W.P.(MD)No.13528 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2024

CORAM:

THE HON'BLE MR JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.13528 of 2024

S.Durairajan

... Petitioner

Vs.

1.The Regional Joint Director of Collegiate Education
Thanjavur
Thanjavur District

2.The Secretary/Correspondent
A.Veeriya Vandayar Memorial Sri Pushpam College (Autonomous)
Poondi
Thanjavur District

3.The Inspector of Police
The Vigilance and Anti-corruption Wing
Thanjavur

....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records regarding the impugned suspension order passed by the second respondent in his proceedings in R.C.No.001/SCC/2023 dated 30.03.2023 and quash the same and



W.P.(MD)No.13528 of 2024

WEB COPY

consequently direct the respondents to permit the petitioner having retired from service on 31.03.2023 on the date of his superannuation, with all attended benefits.

For Petitioner : Mr.N.Sathish Babu

For Respondents : Mr.J.Ashok
Additional Government Pleader for R1 & R3

:Mr.Prasanna Vinoth for R2

ORDER

The instant writ petition has been filed by the Superintendent working in the second respondent aided college challenging the order suspension dated 30.03.2023.

2.A perusal of the suspension order reveals that the management has contemplated an enquiry into grave charges as against the writ petitioner and in the public interest, the petitioner has been placed under suspension invoking Rule 17(e)(1) of Tamil Nadu Civil Services (Discipline and Appeal) Rules.

3.A perusal of the suspension order further reveals that the petitioner would be paid subsistence allowance, dearness allowance as contemplated under Rule 53(1) of Fundamental Rules. This order is put to challenge in this writ petition.

4.It is not in dispute that the managment is having power to suspend the



W.P.(MD)No.13528 of 2024

WEB COPY

writ petitioner. However, a perusal of the impugned order reveals that it has been passed by the Secretary Cum Correspondent of the College in his individual capacity without any resolution being passed by the College Committee.

5. There are no provisions under Tamil Nadu Private College Regulation Act, 1976 to extend the period of service beyond the date of superannuation. The Fundamental Rule is applicable only to the Government Servants, but it is not applicable to the teaching and non-teaching staff working in the private colleges. Therefore, when the service of the petitioner cannot be extended beyond 31.03.2023, the impugned suspension order dated 30.03.2023 culminates on the date of retirement itself.

6. In view of the above said deliberations, the order impugned in the writ petition is set aside and the petitioner is deemed to have attained superannuation on 31.03.2023 enabling him to receive all other terminal benefits without any legal impediment.

7. Accordingly, this writ petition stands allowed. No costs.

25.09.2024

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



W.P.(MD)No.13528 of 2024

WEB COPY

To

1.The Regional Joint Director of Collegiate Education
Thanjavur
Thanjavur District

2.The Inspector of Police
The Vigilance and Anti-corruption Wing
Thanjavur



WEB COPY



W.P.(MD)No.13528 of 2024

R.VIJAYAKUMAR, J.

msa

W.P.(MD)No.13528 of 2024

25.09.2024