



W.P.(MD)No.16031 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.16031 of 2024

Dr.T.Myrtle Grace

... Petitioner

vs.

1.The Vice Chancellor,
Tamil Nadu Agricultural University (TNAU)
Coimbatore - 3.

2.The Registrar,
Tamil Nadu Agricultural University (TNAU)
Coimbatore - 3.

3.Program Coordinator,
ICAR - Krishi Vigyan Kendra,
Thirupathisaram - 629 901,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent to pass suitable orders for relieving the petitioner from service with effect from the date on which the petitioner attained superannuation i.e., on 30.06.2024, without insisting any declaration as mentioned in email communication of third respondent dated 30.06.2024, consequently direct



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the second respondent to pass suitable orders for payment of monthly pension as well as to pay the terminal benefits together with statutory interest for the delayed payment to the petitioner within a stipulated time.

For Petitioner : Mr.I.Suthakaran

For Respondents : Mr.A.Thirumoorthy
Standing Counsel

ORDER

Heard Mr.I.Suthakaran, learned counsel appearing for the petitioner and Mr.A.Thirumoorthy, learned Standing Counsel appearing for the respondents.

2. The petitioner has filed this writ petition seeking to direct the second respondent to pass suitable orders for relieving her from service with effect from the date on which she attained superannuation i.e., on 30.06.2024, without insisting any declaration as mentioned in email communication of third respondent dated 30.06.2024, consequently, direct the second respondent to pass suitable orders for payment of monthly pension along with terminal benefits with statutory interest for the delayed payment within a stipulated time.



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3. Mr.I.Suthakaran, learned counsel appearing for the petitioner submitted that the petitioner has attained the age of superannuation on 30.06.2024, on which day, the petitioner received a mail to give a declaration in order to issue her a relieving order. It is his submission that the petitioner should be allowed to retire without insisting her to give a declaration.

4. Mr.A.Thirumoorthy, learned Standing Counsel appearing for the respondents submitted that on the same day itself, the petitioner has been served with the relieving order subject to certain conditions. It is his further submission that the details regarding the declaration have also been attached with the relieving order.

5. In such case, the petitioner has to challenge those orders before seeking a direction to disburse the terminal benefits.

6. At this juncture, the learned counsel appearing for the petitioner submitted that the proceedings allowing the petitioner to retire



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on conditions or the details of declaration as now submitted before this Court has not been issued to the petitioner so far.

7. Even if it is presumed that those orders are not served with the petitioner, now the petitioner could learn about the orders. Hence, I feel that she can be given with a liberty to challenge the same in an appropriate manner.

8. In view of the above observations, the writ petition is **disposed of** and the petitioner is at liberty to challenge the relieving order dated 30.06.2024, which relieved her from service subject to certain condition and the details of declaration attached with the relieving order, if so advised. No costs.

18.07.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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R.N.MANJULA, J.

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