



W.P.(MD)No.23639 of 2022
and W.M.P(MD)Nos.17709 and 17710 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.08.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.23639 of 2022

and

W.M.P(MD)Nos.17709 and 17710 of 2022

A.Arivuchudar

... Petitioner/Petitioner

VS

1.The Bharathidasan University,
Rep. by the Registrar,
Trichy.

2.The Vice Chancellor,
Bharathidasan University,
Trichy.

3.The Registrar,
Bharathidasan University,
Trichy.

... Respondents/Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus, calling the records relating to the impugned order passed by the 3rd respondent in Na.Ka. No.B1/7571/2022 dated 24.09.2022 and quash the same as illegal and consequently and direct the respondents to grant the family pension and death cum retirement gratuity accordingly without any deduction of the pay

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scale from the retirement benefits and also in the group insurance granted to the petitioner within the time limit fixed by the Court.

For Petitioner : Mr.S.M.Ramasiva

For Respondents : Mr.V.R.Shanmuganathan
Standing Counsel

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ORDER

The instant writ petition has been filed by the wife of the deceased employee of the respondent/university seeking to challenge the order passed by the first respondent herein, wherein the pay scale of the deceased employee was revised, based upon an audit report and a direction was issued for reducing the terminal benefits based upon the revised pay scale.

2.From the affidavit, it could be seen that the deceased was working as Deputy Registrar in the respondent university and he passed away on 04.10.2021. When the writ petitioner/wife of the deceased had approached the authorities for disbursement of the terminal benefits, the present impugned order has been passed for reducing the pay scale and refixing the pensionary benefits. This order is under challenge in the present writ



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petition.

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3.The perusal of the impugned order and the counter affidavit filed by the respondent/university reveals that before passing the impugned order neither a copy of the audit report was furnished nor an opportunity was granted to the wife of the deceased/employee to put forward her case.

4.In such circumstances, this Court is constrained to set aside the impugned order and remit it back to the respondent/university herein for passing a fresh order after giving due opportunity to the writ petitioner.

5.The respondents are directed to furnish a copy of the audit report to the writ petitioner within a period of four weeks from the date of receipt of a copy of this order. On receipt of such audit report, the writ petitioner is granted liberty to submit her explanation within a period of four weeks, thereafter. On receipt of explanation or on non receipt of explanation from four weeks from the date of furnishing audit report, the respondents are at liberty to pass an order in accordance with law.



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6. With the above observations, this writ petition stands disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

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NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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R.VIJAYAKUMAR, J.

RJR

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