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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-09-2025

CORAM

**THE HONOURABLE MR JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR**

**WA No. 2779 of 2025 and
CMP No.22333 of 2025**

Annamalai University
Rep by its Registrar,
Annamalai Nagar,
Cuddalore District-608 002.

Appellant(s)

Vs

R.Thiruvarasan

Respondent(s)

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 25.03.2024 as amended on 25.04.2024 made in W.P.No. 3050 of 2023 on the file of this Court.

For Appellant(s): Mr.M.Ajmal Khan,
Senior Counsel
for M/s.Ajmal Associates

For Respondent(s): Mr.V.Ajoy Khose

**JUDGMENT**

(Order of the Court was made by R.Suresh Kumar J.)

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This Intra Court Appeal has been directed against the order passed by the Writ Court made in W.P.No.3050 of 2023 dated 25.03.2024 as amended on 25.04.2024.

2.In fact, the said order passed by the learned Writ Court is a common order where number of writ petitions including the above said writ petition has been disposed of, where the following directions has been given by a learned Single Judge, which is as follows:

8. *In view of the above discussions, the respondent is directed to disburse the balance amount of the petitioners' respective commutation and the balance amount of their earned leave wages in accordance with law, in view of the order passed by this Court in W.P.No.49 of 2007 etc., batch of writ petitions, challenging the Government order in G.O.Ms.No.402, Higher Education (H2) Department, dated 13.12.2006 within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that the balance amount of gratuity and earned*

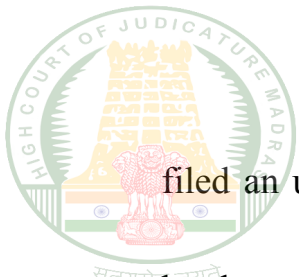


*leave wages can be considered on the calculation
memo submitted by each of the petitioners.*

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3. Since all the writ petitioners including the present respondent/writ petitioner already been retired from service and as the retirement benefits since have not been disbursed, they approached the learned Writ Court and the prayers therein having been considered, it was allowed by the Writ Court.

4. During the last hearing while making some arguments, the learned Senior Counsel appearing for the University submitted that since the University is in severe financial crunch, every time it depends upon the Government for the bulk disbursement of the amount, as the generation of funds for the University is getting reduced considerably because of closure of Distance Education programme, it takes reasonable time to comply with the orders passed by the Writ Court. In that regard, it was directed to file an undertaking affidavit within which time such compliance could be made by the University. Pursuant to the same, today when the matter is taken up for hearing, the learned Senior Counsel appearing for the University has stated that the Registrar of the University has



filed an undertaking affidavit dated 16.09.2025 where *inter alia* the following

has been stated:

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4.I respectfully state that the Appellant University is in financial crunch. In view of closure of Distance Centres run by the University at various places, the revenue of the University has come to a stand-still. The Appellant University has been expecting the grants every time from the Government of Tamil Nadu to pay salary and pension etc. to the teaching/non-teaching staffs of the appellant University. The grants released by the Government of Tamil Nadu though is handsome compared to other universities, it is not enough to satisfy the requirements of the University. The request made by the Appellant University to the Government of Tamil Nadu to release the grants to pay the balance retirement benefits of the petitioner and the similarly placed persons is in process. As soon as the grants from the government is received, the Appellant University shall pay the balance retirement benefits such as earned and unearned leave to the petitioner. In so far as the petitioner is



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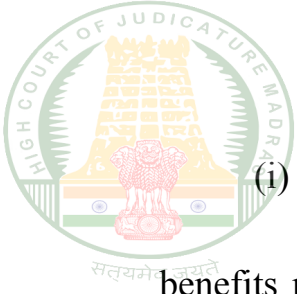


concerned, he was paid gratuity in full. I undertake to settle the balance retirement benefits payable to the petitioner within four months from today without fail.

5.Relying upon these averments made in the undertaking affidavit, the learned Senior Counsel would contend that within a reasonable period as indicated in Paragraph 4 of the undertaking affidavit, the entire payment to be settled to the petitioner would be settled.

6.In this context, Mr.V.Ajoy Khose, learned counsel for the respondent would submit that though the respondent/writ petitioner has already retired from service, he has not been paid the retirement benefits. By virtue of the same, he and his family is suffering a lot and therefore, if earliest disbursal is made by the University that would be helpful to the respondent/writ petitioner and his family.

7.Having taken note of all these factual matrices and having regard to the submissions made by the learned counsel on either side, we are inclined to dispose of the Writ Appeal with the following directions:



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(i) As undertaken by the University, it shall disburse the retirement benefits payable to the respondent/writ petitioner within a period of three (3) months from the date of receipt of a copy of this order.

(ii) Once such disbursal is made, there can be no further issue pending between them i.e., the respondent/writ petitioner and the University for adjudication.

8. In that view of the matter, with the above directions, this Writ Appeal is disposed of. No costs. Consequently connected miscellaneous petition is closed.

(R.S.K., J.) (H.C., J.)
18-09-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

Note: Registry is directed to issue the order copy on 23.09.2025.



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CHANDANGOUDAR J.

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