

W.P. No.34187 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 10.09.2025

CORAM:

THE HON'BLE MR. JUSTICE K. SURENDER

W.P. No.34187 of 2013

and

M.P. No.2 of 2013

M. Vadivel

(Deceased)

2. V. Shanthakumari

3. V. Sudhakar

4. V. Manonmani

5. V. Senthildevi

6. V. Rajarajan

... Petitioners

* P2 to P6 are substituted as Lrs

of deceased P1, vide order

dated 3.4.2025 in W.M.P. No.8793 of 2025

-Vs-

1. The Chancellor
Bharathiyar University
Rep. by its Secretary
Raj Bhavan,
Chennai – 600 022.

2. The Vice Chancellor
Bharathiyar University
Coimbatore – 641 046.

3. Bharathiyar University
Rep. by its Registrar
Coimbatore – 641 046.



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4. The Enquiry Committee,
Rep. by its Convener
Bharathiyar University
Coimbatore – 641 046.

5. V. Rajarajeswari #
R5 Impleaded as per order dated
03.04.2025 in W.M.P. No.8794 of 2025

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for Writ of Certiorarified Mandamus calling for the records relating to the proceedings dated 24.7.2012 made in Letter No.5574/U2/2000 passed by the 1st respondent in confirming the order of the third respondent made in No.14017/E1/94, dated 30.11.1994 on the basis of the resolution No.250 passed by the third respondent syndicate in its meeting dated 21.11.1994 and the enquiry report dated 31.05.1994 submitted by the fourth respondent and quash the same and direct the second and third respondents to pay all the attended benefits.

For Petitioners : Mr.G. Ethirajulu
For Respondents : Mr.S. Indhubala for R1 to R5

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ORDER

This writ petition has been filed to call for the records relating to the proceedings dated 24.7.2012 made in Letter No.5574/U2/2000 passed by the 1st respondent in confirming the order of the 3rd respondent made in No.14017/E1/94, dated 30.11.1994 on the basis of the resolution



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No.250 passed by the 3rd respondent Syndicate in its Meeting dated 21.11.1994 and the enquiry report dated 31.05.1994 submitted by the 4th respondent and quash the same and direct the second and third respondents to pay all the attendant benefits.

2. Pending writ petition, the employee petitioner died (hereinafter referred to as deceased) and his legal representatives were brought on record as petitioners 2 to 6.

3. It is the case of the deceased that while he was working in the 3rd respondent University as Deputy Registrar, six charges were framed against him. After an enquiry, three charges were proved. The five charges framed against the deceased were that he collected huge amounts of money from different persons on the assurance that he will secure seats for their children in Colleges at Salem and Coimbatore. The 6th charge was for bringing political pressure on the authorities i.e., the University

4. It is the further case of the deceased that pursuant to framing of charges, an Enquiry Committee was constituted by the Syndicate, vide resolution dated 02.12.1993, which consists of five members. Since,

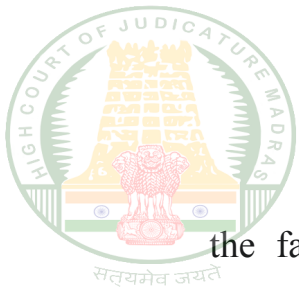


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three charges were proved, a punishment of dismissal from service was imposed on the deceased on 03.06.1994.

5. Thereafter he preferred an appeal before the 1st respondent, which was forwarded to the 2nd respondent, but the same was rejected. Deceased also preferred W.A. No.3665 of 2002. It is his grievance that the appeal filed before the appellate authority / 2nd respondent was not considered in proper perspective. Though as per the directions issued by this Court on 20.06.2011 in W.A. No.3665 of 2002, the appellate authority had to reconsider the appeal afresh, after giving an opportunity to the petitioner, whereas the orders were not followed. Subsequently, deceased submitted a representation to the appellate authority on 15.07.2011 requesting to consider his appeal.

6. It is the case of the deceased that the communication issued by the respondents dated 29.05.2012 was not received by him and due to non-receipt of the said communication, he was unable to make his fresh submissions before the authorities. It is the further contention that the impugned communication dated 24.07.2012 sent by the 1st respondent stating the reason for not considering the representation of the deceased is



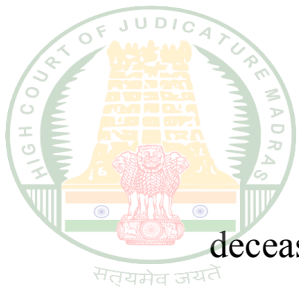
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the failure on the part of the petitioner to send representation is

incorrect. Thereafter, the deceased was dismissed from service.

7. Learned counsel appearing for the LR's of the deceased would submit that though an appeal was filed by the deceased, the same was not considered in accordance with the directions issued by this Court in W.A. No.3665 of 2002. He further submits that without hearing the deceased, the Communication dated 24.07.2012 was sent by the 1st respondent, which resulted in dismissal of the deceased. He vehemently argued that the letter dated 29.05.2012 reflected in the impugned communication was not sent to the deceased address at Coimbatore, at which place, the deceased resided over three decades, instead it was sent to Kambiliampatty, Dindigul, which is native place of the deceased. Due to their being no communication, the deceased was unable to put forth his submissions before the authorities. The result is that the monetary benefits due to the deceased was denied. Hence, the matter has to be remanded back to the appellate authority for fresh consideration.

8. Further, learned counsel submitted that the newly impleaded petitioners viz., petitioners 2 to 6 are the legal representatives of the



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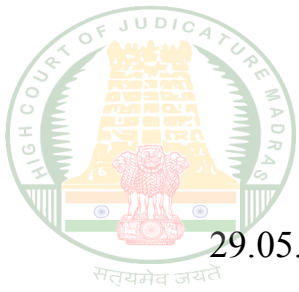
deceased and they intend to prosecute the appeal before the respondent.

Learned counsel requests that this Court may direct the respondents or their counsel to serve copies of any further communication to him regarding the appeal, so that the legal representatives of the deceased enabling them to represent before the authorities. On that score, he prays for issuance of appropriate directions.

9. Reiterating the counter affidavit, learned counsel for the respondents 1 to 5 vehemently opposes the contention of the learned counsel for the petitioner and would submit that due opportunity was given to the deceased to make his fresh submission and thereafter only final orders were passed against the petitioner. Further, she submitted that even though proceedings have attained finality, the petitioners / legal heirs are re-agitating the issue and adopting tactics to drag on an issue, which was already closed. The communication dated 24.07.2012 issued by the 1st respondent is legally sustainable and any interference is unwarranted. Therefore, she prays for dismissal of this writ petition.

10. Heard the learned counsel on either side and perused the materials placed on record.

11. When this Court posed a question whether the letter dated



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29.05.2012 and the impugned communication dated 24.07.2012 issued by

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the respondents were sent to Kambiliampatty, Dindigul, which pertains to the native address of the deceased, learned counsel for the respondents replied and submitted that the aforesaid communications were sent to Dindigul address only. Therefore, this Court is of the considered view that since the communication was sent to the address where the deceased was not residing, an opportunity has to be given to the petitioners / legal heirs to put forth the case of the deceased before the respondents.

12. On a bare perusal of the impugned communication, it is seen that the deceased was not heard and orders were not passed on merits by the appellate authority. It is the contention that the directions issued by this Court on 20.06.2011 in W.A. No.3665 of 2002 were not adhered by the respondents. Further, it is evident that representations to the respondents were submitted by the deceased from Coimbatore address. This court fails to understand as to why the respondents have sent the impugned communication as well as the other letter dated 29.05.2012 to Kambiliampatty, Dindigul address. Thus to resolve the issue, it is necessary that the appellate authority has to pass orders on merits after hearing the versions of the deceased through his legal heirs. This Court is inclined to order, as follows :-



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i) The Proceedings / Communication, dated 24.07.2012

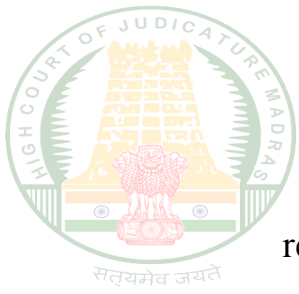
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ii) The Appellate Authority / 1st respondent shall pass a reasoned order on merits and in accordance with law with respect to deceased's appeal, being prosecuted by his legal heirs, within a period of eight weeks from the date of receipt of a copy of this order, not later than 15.02.2026;

iii) While passing final orders, the directions issued by this Court on 20.06.2011 in W.A. No.3665 of 2002 have to be strictly followed.

iv) Learned counsel for the respondents shall serve notice of any further communication with regard to hearing fixed by the Appellate Authority to the petitioners' counsel, as prayed for by him before this Court, which will enable the Legal Representatives to represent the case of the deceased.

v) It is made clear that under no circumstances, the case be adjourned by the Appellate Authority after fixing up a date and being informed about the said date to the counsel. However, it is the discretion of the Appellate Authority in respect of postponement of the proceedings for reasons to be



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recorded.

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vi) Further, it is made clear that this Court has not expressed any opinion on the merits of the case.

13. Accordingly, this writ petition stands disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

K. SURENDER, J.
10.09.2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
vsi2

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9/10



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