



W.P. No. 22529 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2025

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

W.P. No. 22529 of 2018

and

W.M.P. Nos. 26383, 26384 of 2018 and 13896 of 2019

Dr. R.Mathivanan

... Petitioner

-VS-

1. Bharathiar University,
Rep. by its Registrar,
Maruthamalai Road,
Bharathiar University Post,
Coimbatore - 641 046.

2. The Syndicate,
Rep. by its Chairman,
Bharathiar University,
Maruthamalai Road,
Bharathiar University Post,
Coimbatore - 641 046.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records to relating to the Syndicate Resolution No. 158 dt. 18.05.2018 passed by the 2nd Respondent (Ex-B) and the consequential Official Memorandum No.E5/1265/14891/2018 dt. 07.06.2018 passed by the 1st Respondent University terminating the petitioner's services with effect from 06.09.2018 (Ex-A) and to quash the same as being illegal, malafide and contrary to the Principles of Natural Justice and for a consequential direction to the



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respondents to continue him in service till 31.07.2019 and pay him his salary and to settle all his terminal benefits on retirement from the services.

For Petitioner : Mr. V.Govardhanan

For Respondents : M/s. K.R.B.Dhaaranee, Standing Counsel

ORDER

Heard Mr. V.Govardhanan, learned counsel for the petitioner and M/s. K.R.B.Dhaaranee, Standing Counsel, learned Standing Counsel for the respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The petitioner has filed this Writ Petition to call for the records relating to the Syndicate Resolution No.158, dated 18.05.2018 passed by the second respondent and the consequential Official Memorandum No.E5/1265 /14891/2018 dated 07.06.2018 passed by the first respondent University terminating the petitioner's services with effect from 06.09.2018 and to quash the same as illegal and for a consequential direction to the respondents to continue him in service till 31.07.2019 and pay him his salary and to settle all his terminal benefits on retirement from the services.



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WEB 3.0 COPY The petitioner was appointed as Director, UGC Academic Staff College on 31.07.2014 and his five years terms has been completed as on 31.07.2019. The relief sought by the petitioner in respect of termination has become infructuous. As the petitioner has served his full term of five years, then no question of termination would arise at this juncture. The remaining relief sought by the petitioner is that the settlement of salary and all his terminal benefits for the period in which he was been holding the post.

4. The learned counsel for the respondents also did not deny the fact that the petitioner continued to be in service till the completion of his tenure. The only objection raised by the petitioner is that the petitioner has involved in a criminal case registered by DVAC in 02/2018/AC/CB on the file of V & AC, Coimbatore and the investigation in the said case is still pending.

5. It is further submitted that in view of the pendency of the above criminal case, the Financial Committee of the above University is reluctant to sanction the salary dues of the petitioner. The respondents have not made any allegation that the petitioner has committed any misappropriation or caused any monetary loss to the respondent University.



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WEB 6. As the petitioner has completed his service only by performing his duties, he is entitled to get salary meant for the period during which he discharged his duties as Director, UGC Academic Staff College. The outcome of the criminal case has got nothing to do with the payment of salary to be made to the petitioner. Hence, an appropriate direction should be given to the respondents to disburse the salary to the petitioner for the period during which he discharged his duties as Director, UGC Academic Staff College. In fact, in the impugned order to terminate the services of the petitioner, there is no stigmatic reason attached to his termination.

7. In the result, this writ petition is partly allowed. The respondents are directed to settle the salary dues and other service benefits due to be settled to the petitioner within a period of four weeks from the date of receipt of copy of this order. In all other aspects, this writ petition is partly dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

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Internet: Yes/No
Speaking /Non-speaking order

Maya



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1. The Registrar,
Bharathiar University,
Maruthamalai Road,
Bharathiar University Post,
Coimbatore - 641 046.
2. The Chairman,
Syndicate,
Bharathiar University,
Maruthamalai Road,
Bharathiar University Post,
Coimbatore - 641 046.



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R.N.MANJULA, J.

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