



W.P.(MD)No.20342 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.20342 of 2017
and WMP(MD)Nos.16601 and 16602 of 2017

T.Gandhimathi

... Petitioner

/Vs./

1.The Registrar,
Manonmaniam Sundaranar University,
Abishekapatti,
Tirunelveli District.

2.The Assistant Director,
Local Fund Audit,
S.N.High Road,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining pertaining to the order passed by the second respondent in his proceedings in Na.Ka.No.C2/590/2016 dated 18.05.2016 and the order passed by the first respondent in his proceedings in Memo.No. MSU/R/Estt/Admn/Pension/2016 dated 06.09.2016 and quash the same and direct the respondents to sanction the terminal benefits in the cadre of System Programmer to the petitioner's husband with all consequential benefits.



W.P.(MD)No.20342 of 2017

WEB COPY

For Petitioner : Mr.V.Panneer Selvam
For R1 : M/s.Jasima Yashmin
for M/s.Ajmal Associates
For R2 : Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

This Writ Petition has been filed by the wife of a deceased employee of the respondent University challenging the order passed by the second respondent and the consequential order of the first respondent wherein pay scale of the petitioner's husband has been revised.

2. The petitioner's husband was appointed as Data Entry Operator on 05.07.1992 in the first respondent University on a consolidated pay of Rs.9,00/- per month. His services were regularized with effect from 01.04.1993 by fixing the time scale of pay of Rs.975-25-1150-30-1660 by way of an order dated 25.05.1993.

3. In view of the fact that the petitioner was appointed to the post of the Data Entry Operator which does not have any promotional



W.P.(MD)No.20342 of 2017

WEB COPY

opportunities, One Man Commission was appointed to create promotional posts. Based upon the One Man Commission's report, promotional posts were created by the University. However, the same was not approved by the Finance Committee of the University which resulted in passing of the impugned orders.

4. A perusal of the impugned order reveals that the employee had passed away on 16.01.2016 and the present impugned order has been passed by the second respondent on 18.05.2016. The first respondent University has passed the order dated 06.09.2016 reducing the pay scale and ordering recovery.

5. It is seen that the order of reduction of pay scale and recovery orders have been passed after the death of the employee. During the life time of the employee no notice was issued by the respondent herein or any objection was raised with regard to pay scale of pay. After his death, the present impugned orders have been passed by the second respondent. Considering the fact that the impugned orders have been passed after the death of the concerned employee, this Court is inclined to allow the writ



W.P.(MD)No.20342 of 2017

WEB COPY

petition. However, this order cannot be cited as precedent for other cases, where employees are continuing in service.

6. With the above observation, the orders impugned in this writ petition are set aside. The respondent University is directed to release the terminal benefits within a period of twelve weeks from the date of receipt of a copy of this order.

7. In fine, this writ petition is allowed. No costs.

12.09.2025

Index : Yes / No
NCC : Yes / No
CM



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W.P.(MD)No.20342 of 2017

TO:
The Assistant Director,
Local Fund Audit,
S.N.High Road,
Tirunelveli District.



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W.P.(MD)No.20342 of 2017

R.VIJAYAKUMAR, J.

CM

Order made in
W.P.(MD)No.20342 of 2017
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Dated:

12.09.2025