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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA No. 84 of 2023

Dr.O.Mathivanan
Professor and Head of the Department,
Department of Tamil Literature, University of
Madras, Chennai -05

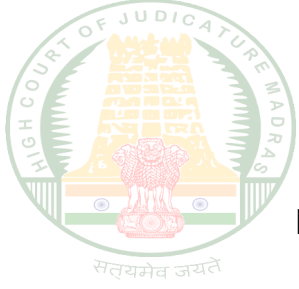
..Appellant

Vs

1. The Additional Chief Secretary / Commissioner
of Revenue Administration and Disaster
Management and Mitigation, Chepauk,
Chennai-05.
2. The Registrar,
University of Madras, Centenary Building,
Chepauk, Chennai-5
3. The Director of School Education
DPI Campus, College Road, Chennai-6
4. The Director Government Examinations,
DPI campus, College Road, Chennai -6.

..Respondents

Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the
Order passed in W.P.No.14639 of 2019 dated 25-07-2022 and allow the Writ
Appeal.



For Appellant :

Mrs.Kavitha Nithyanandan

For Respondents :

Dr.R.Gouri

Government Counsel – for R1, R3 & R4

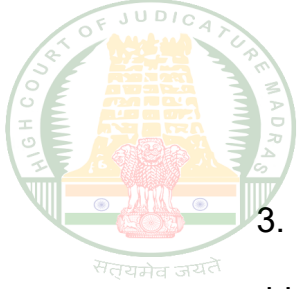
Mr.D.Ravichander – for R2

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Judgment**(Judgment of the Court was delivered by S.M.Subramaniam J.)**

Under assail is the writ order dated 25.07.2022 passed in W.P.No.14639 of 2019.

2. The writ petitioner is the appellant. The appellant was working as Professor and Head of the Department of Tamil Literature, University of Madras. He attained the age of superannuation and was allowed to retire from service on 31.01.2021. The issue relating to correction of date of birth was adjudicated by the Writ Court and the appellant claimed that his actual date of birth is 08.01.1961, but he was allowed to retire based on the erroneous date of birth ie., 02.04.1959. Though the writ Court allowed the claim of the appellant to alter his date of birth, the actual monetary benefit has not been paid and thus the present intra court appeal is instituted.



3. Learned counsel for the appellant would mainly contend that the second bullet point in Para 43 of the impugned writ order alone requires to be interfered with by this Court in the present appeal. The said portion reads thus,

"As a further consequential action, the University shall also revisit the order passed by the University in W.P.No.14639 of 2019 and permit the petitioner to extent his service upto 60 years based on the date of birth as 08.01.1961. In this process, the orders to be passed extending the service of the petitioner for the purpose of calculating the backwages shall be treated only as a notional. However that period shall be treated as continuity of service for all other service benefits including the pensionary benefits as well as the retirement benefits, which shall be accordingly modified and based on which, the difference of pension shall be calculated with arrear and be paid to the petitioner."

4. A perusal of the above portion of the order would show that notional benefits are granted to the appellant and actual monetary benefit for the period not worked has not been paid. Admittedly, the appellant was allowed to retire from service on 31.01.2021 and was relieved from service. Therefore, the actual payment for the non-working period if granted, would result in financial loss to the institution and it is an unjust enrichment to the



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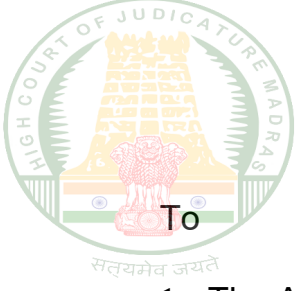
employee. The appellant was holding the post of Professor and Head of the Department and without performing services, not entitled to claim any salary for the period beyond his date of retirement ie., on 31.01.2021.

5. In view of the above factum, this Court is not inclined to interfere with the order passed by the Writ Court, which cannot be construed as infirm. The writ appeal is liable to be dismissed and it is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

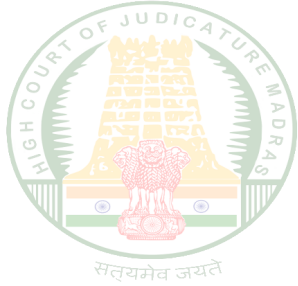
(S.M.S.,J.) (N.S.,J.)
03-06-2026

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

KST



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of Revenue Administration and Disaster
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**S.M.SUBRAMANIAM J.
AND
N.SENTHILKUMAR J.**

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