



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2015

C O R A M

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.17198 of 2015

M.R.Chandran

.. Petitioner

Vs.

1. The Secretary,
Mannar Thirumalai Naicker College,
Pasumalai,
Madurai - 625 004.

2. The District Collector,
Collectorate Office,
Madurai - 625 020.

3. The District Elementary Educational Officer
and Secretary to the Arivoli Iyyakkam,
M.C.Hr. Sec. School Road,
Madurai - 625 002.

4. The Director of Education,
Non-Formal and Adult Education,
Chennai - 600 006.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari filed Mandamus, calling for the records pertaining to the impugned letter Na.ka.No.40987/2015/U.2, dated 03.09.2015 issued by the second respondent herein directing the petitioner to approach the fourth respondent herein, the Director of Education, Non-Formal and Adult Education, Chennai in connection with payment of the petitioner's salary due and quash the same as illegal, arbitrary, discriminatory and unfair and to consequently direct the second respondent to pay the petitioner's salary due of Rs.78 104/- with interest.

For Petitioner : Mr.Y.Krishnan

For Respondents : Mr.T.S.Mohamed Mohideen

Additional Government Pleader

ORDER

The Writ Petitioner-M.R.Chandran, who was appointed as lecturer purely on temporary basis in the first respondent College



in English Department, has come to this Court repeatedly seeking salary.

2. In the present Writ Petition, he has challenged the impugned proceedings in Na.Ka.No.40987/2015/U.2, dated 03.09.2015 issued by the second respondent directing him to approach the fourth respondent-the Director of Education, Non-Formal and Adult Education, Chennai in connection with the payment of salary and to quash the same as illegal and arbitrary.

3. In a nut-shell, the grievance of the petitioner is that on 12.12.1991, he was appointed as a substitute Lecturer in the Mannar Thirumalai Naicker College, Pasumalai in English Department in the place of one K.Shrikrishnan, Lecturer (S.G), who was deputed to Arivoli Iyyakam by the first respondent herein with a specific condition stating that the salary will be paid to the petitioner and another Lecturer N.Parimalanayagi by the Collector, Arivoli Iyakkam, Madurai District and the said letter clearly says that "they will have no right to claim any salary whatsoever from the Management of Mannar Thirumalai Naicker College, Madurai at any cost".

4. Therefore, the claim of the petitioner is that when the petitioner was appointed with a specific terms that the salary will be paid by Arivoli Iyakkam, in which the District Collector was the President, after extracting the work from 16.06.1993 to 11.07.1996 he cannot be relieved without payment of salary for the work he has done. Therefore, a specific direction to be given to the District Collector to pay salary. Adding further, the petitioner repeatedly visited this Court by filing two Writ Petitions in W.P.No.31193 of 2003 and W.P(MD)No.5214 of 2015.

5. W.P.No.31193 of 2003 seeking an order to quash the impugned order dated 19.07.2000 issued by the Secretary, Mannar Thirumalai Naicker College and with a further direction to the respondents 1 and 2 therein to pay arrears of salary with 24% interest.

6. This Court in the said Writ Petition directed the District Collector, namely, who was the President of Arivoli Iyakkam, to make the payment of the salary. When that order was not complied with, the petitioner filed another Writ Petition in W.P(MD)No.5214 of 2015 seeking direction to the second respondent-the District Collector/President herein to make the settlement of the petitioner's salary due of Rs.78,104/- with interest.

7. Entertaining the prayer, this Court by order dated 17.06.2015 directed the second respondent to take appropriate steps to pass orders on the request of the petitioner as soon as possible.

<https://hccourtsonline.org/>

8. Inspite of repeated orders passed by this Court, the



petitioner's salary for the said period was not paid. Again the petitioner made a representation to the second respondent. The second respondent directed the petitioner to approach the fourth respondent. When the petitioner has been driven from pillar to post, he has no other option except to approach this Court, it was pleaded.

9. Opposing the same, the learned Additional Government Pleader would submit that without disputing the claim of the petitioner for the payment of salary commencing from 17.04.1993 to 11.07.1996, the second respondent, who has discharged the dual role of District Collector, Madurai and President of Arivoli Iyakkam, after ceased to be the President of Arivoli Iyakkam is unable to make salary to the petitioner. Therefore, it is not proper on the petitioner to find fault with the President of Arivoli Iyakkam, as the Arivoli Iyakkam was wound up in the entire State, hence the second respondent has rightly directed the petitioner to approach the fourth respondent. Therefore, the petitioner has to approach the fourth respondent.

10. I find some force in the submission made by the learned Additional Government Pleader. It does not mean that this Court does not find any substance in the prayer made by the petitioner. The core issue in the present case is, appointment order dated 12.12.1991, appointing the petitioner clearly shows that the Management of Mannar Thirumalai Naicker College, Madurai has appointed the petitioner purely on temporary basis till December 1992 as Lecturer in the English Department. But, subsequently by another proceedings dated 16.06.1993, he was permitted to continue as Lecturer in the place of K.Shrikrishnan, Lecturer of the Mannar Thirumalai Naicker College, Madurai. Therefore, the records says that he was continued during the period from 1993 to 1996. But the problem faced by the petitioner as well as the Arivoli Iyakkam clearly shows that the said Arivoli Iyakkam itself appeared to have been wound up.

11. In that view of the matter, when there was a direction issued by this Court for payment of his salary by the District Collector as the President of the Arivoli Iyakkam he has directed the petitioner to approach the fourth respondent. In this regard, the learned Additional Government Pleader also supported the view taken by the District Collector submitting that if the petitioner approaches the fourth respondent with fresh representation, his claim may be considered.

12. This Court also finds that the District Collector himself has directed the petitioner to approach the fourth respondent-the Director of Education, Non-Formal and Adult Education, Chennai, ~~the petitioner~~ under the direction given by the District Collector, the petitioner has to approach the fourth respondent by producing the order copy and two other order copy of the Writ Petitions



mentioned supra along with fresh representation. On receipt of the same, the fourth respondent is directed to consider his representation within a period of eight weeks from the date of receipt of a copy of this order.

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13. Accordingly, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Mannar Thirumalai Naicker College,
Pasumalai,
Madurai - 625 004.
 2. The District Collector,
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 3. The District Elementary Educational Officer
and Secretary to the Arivoli Iyyakkam,
M.C.Hr. Sec. School Road,
Madurai - 625 002.
 4. The Director of Education,
Non-Formal and Adult Education,
Chennai - 600 006.
- + 1 CC TO MR.Y.KRISHNAN, ADVOCATE IN SR NO. 56034
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 56686

PS

TE/SK-SKN/ : 06/11/2015 : 4P/7C

W.P (MD) No.17198 of 2015
23.09.2015