

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-06-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.31060 of 2012

G.Perumal

... Petitioner

Vs.

1. The Collector
Thiruvannamalai
Thiruvannamalai District.

2. The Commissioner
Panchayat Union
Thiruvannamalai
Thiruvannamalai District.

... Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus, to direct the respondents to pay the arrears of salary to the petitioner for the period from 04.05.2007 to 12.07.2009 as per the orders passed by this Court, in W.P.No.4775 of 2007, dated 23.04.2009, with interest.

For Petitioner : Mr.P.Rajendran

For Respondents : Mr.P.Chinnadurai for R.1

Mr.R.Ravichandran
Additional Government Pleader
for R.2

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O R D E R

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondents to pay the arrears of salary to the petitioner for the period from 04.05.2007 to 12.07.2009 as per the orders passed by this Court, in W.P.No.4775 of 2007, dated 23.04.2009, with interest.

2. The petitioner entered into service as Noon-Meal Organiser at the Government High School, Mel Nagar, Thiruvannamalai District. The petitioner was transferred to the Government High School, Mel Nagar. Aggrieved against the transfer order, the petitioner filed W.P.No.4775 of 2007 and this Court, by order dated 09.02.2007, passed an interim order, directing the respondents to maintain status quo. However, the petitioner was relieved from duty, on 02.02.2007. The petitioner was not permitted to join in the transferred place also. In this regard, the petitioner has made several representations. While so, this Court in W.P.No.4775 of 2007, by order dated 23.04.2009, directed the respondents to allow the petitioner to join duty at the Government High School, Mel Nagar forthwith and further directed to pay back wages to the petitioner for the period commencing from 04.05.2007 till the date of his joining duty. Therefore, the 1st respondent, by order, dated 09.07.2009, permitted the petitioner to join duty. The petitioner as per the order of this Court in W.P.No.4775 of 2007, dated 23.04.2009, is entitled to get the arrears of salary for the period from 04.05.2007 till 12.07.2009. However, the petitioner was not paid the arrears of salary. Hence, the present Writ Petition has been filed.

3. Mr.P.Rajendran, the learned counsel for the petitioner would submit that as per the order of this Court in W.P.No.4775 of 2007, dated 23.04.2009, the petitioner is entitled to get the arrears of salary for the period from 04.05.2007 till 12.07.2009. He would further add that though, in the contempt filed, it was represented that Writ Appeal is going to be filed, till date, the petitioner has not received any notice on appeal, and he was also not paid the arrears of salary.

4. Mr.P.Chinnadurai, the learned counsel appearing for the 1st respondent, undertook before this Court, on instructions, that the 1st respondent is prepared to pay the entire arrears of salary w.e.f. 04.05.2007 till the date of joining duty, viz., 12.07.2009. The said undertaking is recorded.

5. Mr.R.Ravichandran, the learned Additional Government Pleader appearing for the 2nd respondent, would concede for the same.

6. In view of the undertaking given by the learned counsel appearing for the 1st respondent, suffice it to direct the 1st respondent to pay the entire arrears of salary to the petitioner from 04.05.2007 till 12.07.2009, within a period of 15 days from the date of receipt of a copy of this order.

7. The Writ Petition is ordered accordingly. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

paa

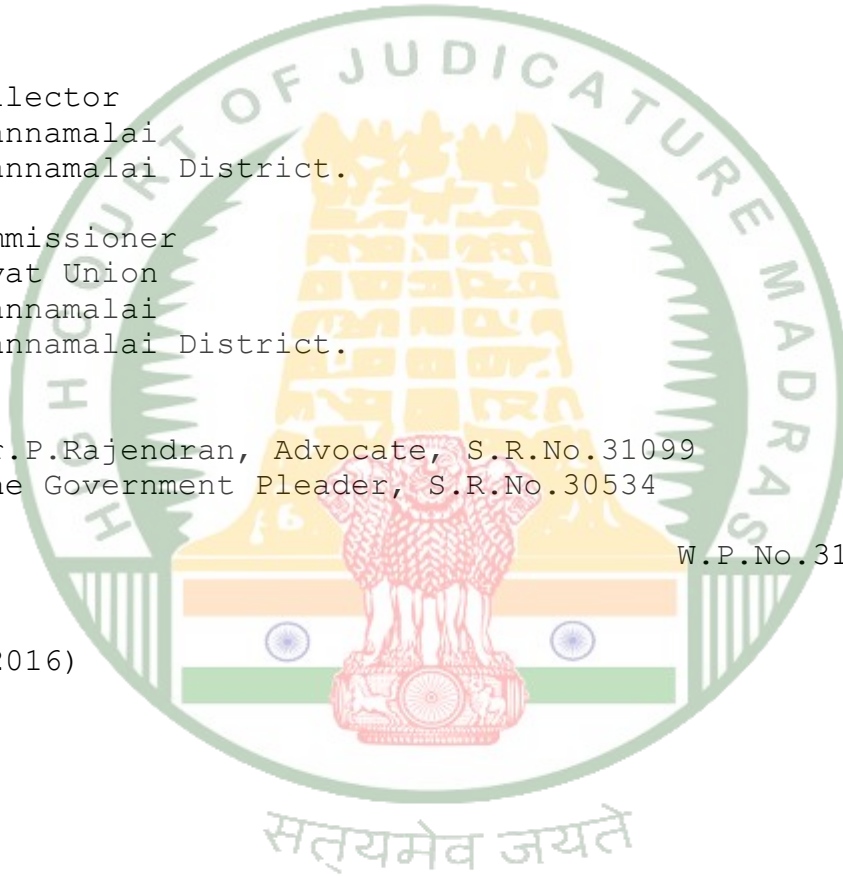
To

1. The Collector
Thiruvannamalai
Thiruvannamalai District.
2. The Commissioner
Panchayat Union
Thiruvannamalai
Thiruvannamalai District.

+1cc to Mr.P.Rajendran, Advocate, S.R.No.31099
+1cc to the Government Pleader, S.R.No.30534

W.P.No.31060 of 2012

CTK(CO)
CA(17/06/2016)



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