



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2016

CORAM :

THE HON'BLE DR. JUSTICE S.VIMALA

Writ Petition (MD) No.22282 of 2016

Dr. Yasodha Jagadeeswari,
Assistant Professor (Economics),
Holy Cross College (Autonomous),
Tiruchirappalli

... Petitioner

Vs.

1. The Director of Collegiate Education,
College Road, Chennai

2. The Joint Director of Collegiate Education,
Tiruchirappalli Region, Tiruchirappalli

3. The Secretary, Holy Cross College (Autonomous),
Tiruchirappalli, Tiruchirappalli District

4. The Principal, Holy Cross College (Autonomous),
Tiruchirappalli,
Tiruchirappalli District

... Respondents

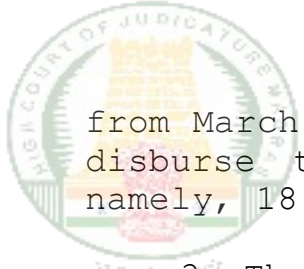
Prayer:- Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 3 and 4 to pay regular salary payable to the petitioner from March 2016 and consequently direct the respondents 3 and 4 to disburse the arrears of salary from the date of appointment of the petitioner dated 18.06.2014 to December 2015 on the basis of the representation of the petitioner dated 10.11.2016.

For Petitioner	: Mr. K.Samidurai
For Respondents	: Mr. A.Muthukannappan, AGP., for R-1 & R-2

O R D E R

Heard Mr.K.Samudurai, learned counsel appearing for the petitioner and Mr.A.Muthukaruppan, learned Additional Government Pleader, who accepts notice on behalf of respondents 1 and 2.

<https://hcservices.courts.gov.in/hcservices/>
2. This writ of mandamus has been filed seeking to direct respondents 3 and 4 to pay the salary payable to the petitioner



from March 2016 and consequently, to direct respondents 3 and 4 to disburse the arrears of salary from the date of appointment, namely, 18.06.2014 to December 2015.

3. The brief facts :-

The petitioner was appointed as an Assistant Professor of Economics at Holy Cross College, Tiruchirappalli, on 18.06.2014. It is an aided college by the State. The petitioner was discharged from service vide letter, dated 29.02.2016. Challenging the same, she filed a writ petition in W.P.No.4647 of 2016. This Court was pleased to grant an interim stay, based on which the petitioner made a request to respondents 3 and 4 to permit the petitioner to continue in service. Accordingly, the petitioner is working in the third respondent college, without salary, for a period of five months.

3.1. The college submitted a proposal to the second respondent on 11.03.2015 for disbursement of grant-in-aid towards the salary. The second respondent also gave provisional approval for the petitioner's appointment by the proceedings, dated 22.02.2016.

3.2. The petitioner submitted a representation, dated 10.11.2016, to respondents 3 and 4, seeking to disburse the salary, but till date no action has been taken.

4. Under normal circumstances, this Court would have issued notice to respondents 3 and 4, but, here is a case, where no adverse order to the detriment of respondents 3 and 4, is going to be passed on merits. The petitioner is claiming salary for a period of five months starting from March 2016 and that has to be paid by respondents 3 and 4. In such circumstances, the non-issuance of notice would not cause any prejudice to the third respondent. Therefore, the third and fourth respondents are directed to consider the representation of the petitioner, dated 10.11.2016, and to pass appropriate orders, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CSI)

/True Copy/

Sub Assistant Registrar



To

1. The Director of Collegiate Education,
College Road,
Chennai

2. The Joint Director of Collegiate Education,
Tiruchirappalli Region,
Tiruchirappalli

3. The Secretary, Holy Cross College (Autonomous),
Tiruchirappali,
Tiruchirappalli District

4. The Principal, Holy Cross College (Autonomous),
Tiruchirappali,
Tiruchirappalli District

+1cc to Mr.K.Sami Durai,Advocate Sr.No. 71554

+1cc to Spl.Government Pleader Sr.No. 72433

JAM/21.02.17 /CM-MSA/ 3p-7c

W.P. (MD) No.22282 of 2016
22.11.2016