

HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

WRIT PETITION No.39846 of 2016

ORDER:

Heard Sri K. Ramalingeswara Rao, learned counsel for the petitioner, Smt. K. Lalitha, learned Standing Counsel for respondent Nos.1 and 2, and the learned Government Pleader for Endowments appearing for respondent Nos.3 and 4.

2. The petitioner was appointed as a Junior Assistant in the 1st respondent – Devasthanam on compassionate grounds vide proceedings dated 02.11.2000. He was transferred to Orient High School, being run by the 1st respondent, on 17.03.2001.

3. The 3rd respondent – Commissioner of Endowments has issued proceedings dated 22.06.2016 transferring the petitioner from the School under the management of the 1st respondent to the 2nd respondent – Devasthanam. He was relieved vide proceedings dated 24.06.2016 issued by the 1st respondent and joined the 2nd respondent on 02.07.2016. Since the petitioner's Last Pay Certificate (LPC) was not sent by the 1st respondent to the 2nd respondent and no charges or allegations are pending against him or the dues payable by him. The petitioner filed the present writ petition seeking a direction to the 1st respondent to send his LPC to the 2nd respondent, since he has not received salaries for the months of July, August, September and October, 2016.

4. Counter affidavit has been filed by the 1st respondent – Devasthanam taking a plea that the transfer of the petitioner from Orient High School run by it was an error on the part of the 3rd respondent, since he was an employee of the 1st respondent's School working in an Aided post and the 1st respondent had addressed a letter dated 14.06.2016 to the 3rd respondent informing the said fact and requested him to re-transfer the petitioner to the 1st respondent, so that the aided post of Junior Assistant in Orient High School being run by it would be protected. It is stated that the 3rd respondent sought further information vide letters dated 04.10.2016 and 08.11.2016, which was submitted by the 1st respondent on 12.10.2016 and 09.11.2016. It is stated that the matter is still pending before the 3rd respondent, but the LPC of the petitioner was sent on 19.11.2016 to the 2nd respondent and that the petitioner was paid salary for five months by the 2nd respondent on 29.11.2016.

5. Respondent Nos.2 and 3 have not filed their counters.

6. From the facts narrated above, it is clear that for no fault of the petitioner, he was denied salary for the months of July, August, September and October, 2016, on the date on which he was supposed to get it, on account of the failure on the part of 1st respondent to forward the LPC of the petitioner to the 2nd respondent.

7. Even if the 1st respondent felt that the transfer of the petitioner was erroneous and had requested the 3rd

respondent to re-transfer the petitioner to the post of Junior Assistant in Orient High School being run by it and the said request of the 1st respondent is pending with the 3rd respondent, that is no excuse for the 1st respondent for not sending the LPC of the petitioner to the 2nd respondent. It is not open for the 1st respondent to put blame on the 3rd respondent in not re-transferring the petitioner to the 1st respondent and on that pretext not sending the LPC of the petitioner to the 2nd respondent, where the petitioner was transferred.

8. Therefore, the 1st respondent is directed to pay interest @ 8% per annum for the delayed payment of salary to the petitioner from the date on which the salary for the above months fell due till the date of actual payment, within a period of four weeks from the date of receipt of a copy of this order.

9. Accordingly, this writ petition is allowed, at the admission stage. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

M.S. RAMACHANDRA RAO, J

14.12.2016.
Msr

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