

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.44540 of 2016

M.Chelladurai

.. Petitioner

vs.

1. The District Educational Officer,
Thirupattur-635 601,
Vellore District.

2. The Correspondent,
DeValois Higher Secondary School,
Kasam, Katpadi,
Vellore District-632 007.

3. The Head Master,
DeValois Higher Secondary School,
Kasam, Katpadi,
Vellore District - 632 007.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to pay him salary from February 2016 to date, based on the petitioner's representation dated 20.09.2016 within a time frame.

For Petitioner : Mr.S.Sathia Chandran

For Respondents : Mr.V.Anandamoorthy,

Additional Government Pleader for R1
Mr.Godson Swaminath for R2 and R3

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2.The petitioner would state that he has completed his Bachelor degree in Physical Education in 2010 and he was appointed as Physical Education Teacher in the second respondent school and claims that he has put in hard, sincere and unblemished service to the satisfaction of the superior officers. The petitioner would state that he, as an active

member of the CSI Diocese, was elected as a Diocesan Council Member in the CSI Vellore Diocese, Vellore for three times and at present was functioning as one of the Diocesan Council Members in the CSI Diocese of Vellore, Vellore District for the year 2015-17. The petitioner would aver that CSI Diocese of Vellore runs number of educational institutions and one such is the Voorhees College, Vellore and it appears that one of his cousin brother, namely Praveen Kumar aspired for the post of Physical Director in the said college and for making such appointment, illegal gratification was demanded and in this regard, a case in Crime No.3 of 2016 was registered by the Directorate of Vigilance and Anti Corruption, Vellore Detachment and the petitioner is also one of the witness and on account of the same, CSI Diocese management started to harbor ill-will against him. The petitioner would further aver that one Solomon Sayer Rajan of Gandhi Nagar, Vellore-6 preferred a complaint on the file of the Virudhampatti Police Station alleging that one Mano and his friend Vinayagamoorthy had cheated him to a sum of Rs.60,000/- and in this regard, a case in Crime No.48 of 2016 was registered for the offences under Sections 294(b), 324 and 506(ii) IPC. The petitioner applied for extension of three days medical leave, vide letter dated 08.02.2016, the respondents 2 and 3 called upon him to submit an explanation with regard to the registration of FIR, for which the petitioner submitted his explanation stating that he is not aware of the registration of FIR. However, apprehending arrest, the petitioner approached the District and Sessions Court, Vellore and obtained Anticipatory Bail. Grievance expressed by the petitioner is that on account of the alleged involvement of the petitioner in the criminal case, salary due and payable to the petitioner from the month of February 2016 has not been paid and in this regard, he has made several oral requests and also sent a written representation dated 20.09.2016 and despite receipt and acknowledgment, no response is forthcoming and hence, the petitioner has come forward with this writ petition.

3. The learned counsel appearing for the petitioner would submit that on account of registration of the case in Crime No.3 of 2016 by the Vigilance and Anti Corruption, Vellore Detachment, salary due and payable to the petitioner from the month of February 2016 are not paid and therefore, his family is suffering from starvation and therefore, prays for appropriate orders.

4. Per contra, Mr.V.Anandhamoorthy, Mr.Godson Swaminath, learned counsel appearing for the respondents 2 and 3 would submit that the representation of the petitioner may be directed to be disposed of at an early date and any orders passed in that regard will be complied with.

5. This Court, considering the rival submissions, directs the respondents 2 and 3 to consider and dispose of the petitioner's representation dated 20.09.2016 and pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6. This Writ Petition is disposed of accordingly. No costs.

s/d-
Assistant Registrar (CS-VI)

//True Copy//

Sub-Assistant Registrar

jvm

To

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Thirupattur-635 601,
Vellore District.
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Devalois Higher Secondary School,
Kasam, Katpadi,
Vellore District-632 007.
3. The Head Master,
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Vellore District - 632 007.

+1 CC to M/s. S. Sathia Chandran, Advocate sr 1772

+1 CC to Mr.P. Godson Swaminath, Advocate sr 1806

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