



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 15.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A(MD)No.1427 of 2016
and C.M.P(MD)No.10723 of 2016

The Headmistress,
Sacred Heart Girls Higher Secondary School,
Srivilliputhur,
Virudhunagar District. ... Appellant/8th Respondent

Vs.

1.M.Arulmary Sriya Puspham ... 1st Respondent/Petitioner

2.The State of Tamil Nadu,
Rep. By its Secretary,
Department of Finance (Pension),
Fort St. George, Chennai - 600 009.

3.The Accountant General,
Office of the Accountant General,
261, Annasalai,
Chennai - 600 018.

4.The Director of School Education,
College Road, Chennai - 600 006.

5.The Chief Educational Officer,
Madurai,
Madurai District - 625 002.

6.The Chief Educational Officer,
Virudhunagar,
Virudhunagar District - 626 002.

7.The District Educational Officer,
Madurai,
Madurai District.

8.The Headmistress,
Nirmala Girls Higher Secondary School,
Madurai District. .. Respondents 2 to 8/Respondents 1 to 7

Prayer:- Writ Appeal is filed under Clause 15 of Letters Patent against the order dated 16.10.2015 passed in Writ Petition(MD) No.19042 of 2015 on the file of this Court.

Prayer in WP(MD).19042/2015:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents herein to disburse forthwith the arrears of salary and other benefits including the pensionary benefits to the petitioner by placing her in the cadre of Full-time Vocational Instruction Grade-II w.e.f.12.11.1997 in terms of G.O.(4D)No.12(School Education Paka6(1)Department dated 08.08.2014.

For Appellant	: Mr.V.John Kennedy
For R - 1	: Mr.T.Cibi Chakraborty
For RR 2, 4, 5 to 7	: Mr.VR.Shanmuganathan Special Government Pleader
For R - 8	: Mr.Antony Arul Raj

JUDGMENT

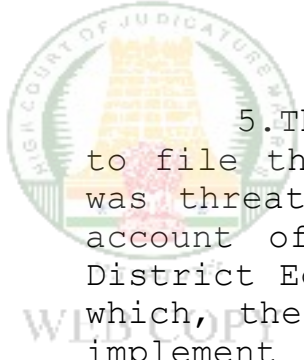
[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard V.John Kennedy, learned counsel appearing for the appellant, Mr.T.Cibi Chakraborty, learned counsel appearing for the first respondent, Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the respondents 2, 4, 5 to 7 and Mr.Antony Arul Raj, learned counsel appearing for 8th respondent.

2.This Writ Appeal is directed against the order, dated 16.10.2015 made in W.P(MD)No.19042 of 2015, by the institution, who was arrayed as 8th respondent in W.P(MD)No.19042 of 2015.

3.The first respondent herein was the writ petitioner, who prayed for issuance of a Writ of Mandamus, directing the respondents herein (including the appellant herein) to disburse forthwith the arrears of salary and other benefits including the pensionary benefits to the petitioner by placing her in the cadre of Full-time Vocational Instructor Grade-II with effect from 12.11.1997 in terms of G.O(4D)No.12 (School Education Pa.Ka.6(1) Department, dated 08.08.2014.

4.The Writ Petition was disposed of by an order, dated 16.10.2015, by directing the Chief Educational Officer, Virudhunagar, the fifth respondent therein to disburse all monetary and other benefits including pensionary benefits to the first respondent/writ petitioner in terms of G.O(4D)No.12 (School Education Pa.Ka.6(1) Department, dated 08.08.2014 within a time frame.



5.The appellant-8th respondent Institution was constrained to file this Writ Appeal only for the reason that the department was threatening to issue orders for direct payment of salary on account of non-implementation of a proposal emanating from the District Educational Officer, Srivilliputhur, dated 30.12.2015, by which, the appellant/8th respondent Institution were compelled to implement an order in respect of the first respondent/writ petitioner, when the first respondent/writ petitioner never worked as a Vocational Instructor in the appellant/8th respondent Institution.

6.When the case came up before the Division Bench of this Court, by an order, dated 16.11.2016, the order passed by the District Educational Officer, dated 30.12.2015 was stained and direction was issued to the Chief Educational Officer, Madurai to receive the proposal from 8th respondent School and process it as expeditiously as possible and forward it to the Director of School Education, Madurai, the fourth respondent herein for passing orders.

7.The learned Special Government Pleader appearing for the respondents 2, 4, 5 to 7 has produced a copy of the proceedings of the fifth respondent, dated 09.03.2017 in and by which, the proposal has been forwarded to the Director of School Education. The learned Special Government Pleader submitted that reasoned time may be granted to the Director of School Education to implement the proposal to issue necessary orders for monetary benefits to the first respondent/Writ Petitioner.

8.In the light of the above, the Joint Director of School Education (Vocational) shall take note of the proposal forwarded by the fifth respondent, dated 09.03.2017 and effect disbursement of the salary of pensionary benefits to the first respondent/Writ Petitioner within a period of six weeks from the date of receipt of a copy of this order.

9.In the light of the order passed by the Chief Educational Officer, Madurai, dated 09.03.2017, the order dated 30.12.2015 passed by the District Educational Officer can no longer be implemented and the same is liable to be set aside and accordingly is set aside.

10.With the above observation and direction, this Writ Appeal stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Records)

/True copy/



To

1.The Secretary,
Government of Tamil Nadu,
Department of Finance (Pension),
Fort St. George, Chennai - 600 009.

2.The Accountant General,
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5.The Chief Educational Officer,
Virudhunagar,
Virudhunagar District - 626 002.

6.The District Educational Officer,
Madurai, Madurai District.

+1cc to Mr.T.Cibi Chakkarabarthi, Advocate, SR.14995
+1cc to M/S.Special Government Pleader, SR.15096
+1cc to Mr.V.John Kennedy, Advocate, SR.15407

ORDER MADE IN
W.A (MD) No.1427 of 2016
15.03.2017

PS
KK-SVMMS-24.03.2017-4p-10c