



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P. (MD) No.6690 of 2013

Santhi

... Petitioner

Vs.

1.The Director,

Teacher Education Research and Training,
College Road, Chennai - 6.

2.The Principal,

District Institute of Research and Training,
Munanchipatti,
Tirunelveli District.

3.The Manager,

High/Higher Secondary Schools/Teacher
Training Institutes,
CSI Tirunelveli Diocese,
Diocesan Office, Tirunelveli.

4.The Principal,

Ooliasthanam Teacher Training Institute,
Ganthi Nagar, Tirunelveli.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third and fourth respondents to allow the petitioner to continue his job as Librarian in fourth respondent institute with all the attendance and monetary benefits including back wages.

For Petitioner : Mr.T.A.Ebenezer

For R1 and R2 : Mr.S.Kumar

Additional Government Pleader

For R3 and R4 : Mr.S.Chellapandian

O R D E R

This writ petition is filed for issuance of Writ of Mandamus directing the respondent to pay all the terminal benefits payable to the petitioner including Terminal Leave Salary together with interest at the rate of 18% per annum from the date of her retirement to till the date of payment within a stipulated time to be fixed by this Court.



2.The case of the petitioner is that the petitioner was working as a Librarian in the fourth respondent-Teacher Training Institute. Her post is not a sanctioned one and she was appointed on a consolidated basis and the salary was also paid by the fourth respondent-management.

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3.It is seen that alleging oral termination, the petitioner has made several complaints to the authorities. Before all the authorities, the fourth respondent-management has taken the same stand that the petitioner can join duty at any time and that, they have no objection. Even in the counter affidavit filed by the fourth respondent, it has been clearly stated that the petitioner was not prohibited from working in the Institution. It is claimed that fearing disciplinary action for certain delinquencies, the petitioner has desisted from even visiting the institution.

4.Recording the same, the writ petition is disposed of by giving a direction to the petitioner to report for duty in the Institution on 20.03.2017, without prejudice to the right of the fourth respondent-management to take any disciplinary proceedings against the petitioner for the alleged misconduct as stated in the counter affidavit. No costs.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

1.The Director,
Teacher Education Research and Training,
College Road, Chennai - 6.

2.The Principal,
District Institute of Research and Training,
Munanchipatti,
Tirunelveli District.

+1CC to M/S.T.A.Ebenezer, Advocate, SR.No. 15639
+1CC to M/S.S.Chellapandian, Advocate, SR.No. 15313
+1CC to the Special Government Pleader SR.No. 15574

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