



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHANW.P. (MD) No. 2811 of 2018

Andrew Chandrakumar

... Petitioner

Vs.

1. The Government of Tami Nadu,
rep. by its Principal Secretary,
Department of Higher Education,
Fort St. George,
Chennai - 600 009.

2. The Director of Collegiate Education,
College Road, Nungambakkam,
Chennai - 600 009.

3. The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli.

4. St. John's College,
Rep. by its Secretary,
Palayamkottai,
Tirunelveli District.

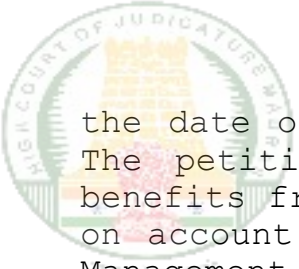
... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 3 and 4 to disburse the petitioner's salary from the date of his appointment i.e., 10.12.2010 onwards with all attendant benefits.

For Petitioner	: Mr.M.Saravanan
For Respondents	: Mr.M.Jeyakumar for R1 to R3 Mr.J.Bharathan for Mr.T.R.Jeyapalam for R4

ORDER

The petitioner is working in the fourth respondent college as Physical Director. He was appointed on 10.12.2010. The said appointment was made in respect of sanctioned post. Admittedly, the petitioner is possessing the requisite eligibility qualification also to hold the said post. The appointment was rightly approved. But the order of approval came only after a round of litigation. While disbursing the salary, the department disbursed the same from



the date of qualification approval. This is obviously not proper. The petitioner is not entitled to be paid his salary and other benefits from the date of his original appointment. It appears that on account of some difference with the predecessors in the college Management, the petitioner's case was not properly taken up.

2. Now, the learned standing counsel appearing for the fourth respondent would submit that they would forward the proposal to the third respondent within two weeks. On receipt of such proposal from the fourth respondent, the third respondent shall pass appropriate orders within four weeks thereafter and also ensure that the benefits payable to the petitioner are disbursed within eight weeks thereafter.

3. This writ petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

1. The Principal Secretary to Government of TamilNadu,
Department of Higher Education,
Fort St. George,
Chennai - 600 009.

2. The Director of Collegiate Education,
College Road, Nungambakkam,
Chennai - 600 009.

3. The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli.

+1CC TO M/S.T.R.JEYAPALAM, ADVOCATE, SR NO.55888

+1CC TO M/S.R.SUBRAMANIAN, ADVOCATE, SR NO.55399

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.55661

W.P. (MD) No. 2811 of 2018

14.03.2018

skn

MS/SKN-RSK/SAR-4/16.03.2018/2P.7C