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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P (MD) No.5460 of 2013

and

MP (MD) No.1 of 2013

Alphonsa Karunakari

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St.George,
Chennai - 600 006.
- 2.The Director of School Education,
College Road,
Chennai - 600 006.
- 3.The Chief Educational Officer,
Thoothukudi District,
Seena Vana Government Higher Secondary
School Campus,
Thoothukudi -628 002.
- 4.The District Educational Officer,
Thoothukudi Educational District,
Seen Vana Government Higher Secondary
School Campus,
Thoothukudi -628 002.
- 5.The Secretary,
Spic Nagar Higher Secondary School,
Spic Nagar (post) 628005,
Thoothukudi & District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 5th respondent school to pay forthwith to the petitioner a sum of Rs.4,01,568/- with interest towards the arrears of differential pay for the period of petitioner's service between 01.01.2007 and 31.05.2011 as per the VI Pay Commission recommendation including Gratuity, which the petitioner is legally entitled to.

<https://hcservices.ecourts.gov.in/hcservices/>

For Petitioner

: Mr.Cibi Chakkaraborthy



For Respondents 1 to 4

: Mr.M.Muthu,

Additional Government pleader

For Respondent 5

: Mr.P.Chandrabose

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ORDER

The relief sought for in this writ petition is for a direction to direct the 5th respondent school to pay forthwith to the petitioner a sum of Rs.4,01,568/- with interest towards the arrears of differential pay for the period of petitioner's service between 01.01.2007 and 31.05.2011 as per the VI Pay Commission recommendation including Gratuity, which the petitioner is legally entitled to.

2.The grievance of the petitioner is that the petitioner was properly appointed by the 5th respondent school and served for a considerable length of time. However, the monetary benefits due to the writ petitioner were not been settled by the 5th respondent, in spite of repeated representations. The writ petitioner claims that she is eligible for the monetary benefits as applicable to her and the same has not been disbursed so far.

3.The learned Additional Government Pleader appearing for the official respondents made submissions that the writ petition is not maintainable, in view of the fact that the appointment of the writ petitioner was not approved by the educational authorities. The school being a private one, the claims are to be made against the management.

4.This Court is of an opinion that the services of the writ petitioner were engaged by the School and the salary and other payable monetary benefits are to be settled in their favour in accordance with the terms and conditions. Thus, this Court is of an opinion that it is suffice if a direction is issued to the 5th respondent to consider the case of the writ petitioners.

5.The learned Counsel for the 5th respondent made submissions that the dues to the writ petitioners were already settled and therefore, there is no liability on the part of the 5th respondent to settle any further amount. May that it be, it is for the management to consider the entire issues and if any payments are to be made, the same can be considered and in this regard and the writ petitioner had already submitted a number of representations to the 5th respondent.

6.The 5th respondent is directed to consider those representations submitted by the writ petitioner and pass order on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



7. Accordingly, the writ petition stands disposed of. However, there shall be no orders as to costs. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar (Crl side)

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/True copy/

Sub Assistant Registrar

To

1. The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St. George,
Chennai - 600 006.
2. The Director of School Education,
College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Thoothukudi District,
Seena Vana Government Higher Secondary
School Campus,
Thoothukudi - 628 002.
4. The District Educational Officer,
Thoothukudi Educational District,
Seena Vana Government Higher Secondary
School Campus,
Thoothukudi - 628 002.

+1cc to M/s. Special Government Pleader, SR.No. 57325

W.P (MD) No. 5460 of 2013
21.03.2018

dsk

KK/SV MMS/20.04.2018/SAR-1/3P-6C