

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2019

CORAM:

THE HON'BLE MR.JUSTICE M. DHANDAPANI

W.P.No.4867 of 2018

J.Jasmine Kamala Sunira

... Petitioner

/Vs/

- 1.The Government of Tamil Nadu,
Represented by its Secretary,
School Education Department,
Fort St. George,
Chennai-600 009.
 - 2.The Director of Teacher Education,
College Road,
Chennai-600 006.
 - 3.The Principal District Institute of
Education and Training,
Kaliyampoondi,
Kancheepuram District-603 402.
 - 4.The Correspondent,
Gnanodaya Teacher Training Institute,
Polwell's Road, St. Thomas Mount,
Chennai - 600 016.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 4th respondent to claim the salary payable to the petitioner from 22.08.2007 from the respondents 1 to 3 and on receipt of the same respondents 1 to 3 may be directed to release the salary payable to the petitioner from 22.08.2007 and pay arrears of salary after adjusting the monthly salary paid by the 4th respondent from 22.08.2007 onwards and future salary as per the scale of pay payable from time to time.

For Petitioner : Mr.P.Ebenezer Paul
For Respondents : Mrs.P.Kavitha
Government Advocate

* * * *

O R D E R

The writ petition has been filed by the petitioner, seeking for a direction directing the 4th respondent to claim the salary payable to the petitioner from 22.08.2007 from the respondents 1 to 3 and on receipt of the same respondents 1 to 3 may be directed to release the salary payable to the petitioner from 22.08.2007 and pay arrears of salary after adjusting the monthly salary paid by the 4th respondent from 22.08.2007 onwards and future salary as per the scale of pay payable from time to time.

2. According to the petitioner, she was appointed as PT Assistant (Junior Lecturer) on 22.08.2007 in the vacancy of arose when one Mrs. Pauline Victoria was promoted as Principal in the 4th respondent/management. The management of the 4th respondent is the appointing authority and the second respondent is the approving authority. After the appointment of the petitioner, the 4th respondent/management has sent proposals for approval of the appointment of the petitioner. The 3rd respondent considered the proposals and by order dated 22.08.2007 approved the appointment of the petitioner.

3. The grievance of the petitioner is that though her appointment has been approved by the Authority, she has not been paid regular salary but all along she has been paid consolidated pay by the 4th respondent/management. Therefore, the petitioner made several representations on 07.04.2016, 14.04.2016, 03.12.2016 and 20.12.2017 to the 4th respondent/management requesting to claim salary from the third respondent. However, the 4th respondent/management has not taken any action and claimed salary payable to the petitioner, pursuant to the approval of her appointment. Hence, the petitioner has come forward with the present writ petition.

4. The learned Government Advocate appearing for the respondents 1 to 3 would submit that the 4th respondent/management is a minority institution and pursuant to the proposals of the 4th respondent/management, the appointment of the petitioner has been approved. He would also submit that for the purpose of claiming teaching grant, the 4th respondent/management has to necessarily submit the financial statement in the prescribed proforma as per the relevant Rules and after scrutiny of the same, the authority will provide teaching grant and thereby the petitioner will be paid regular salary. But, as regards, the case of the petitioner, the learned Government Advocate would submit that the 4th respondent/management has not submitted the financial statement so far claiming teaching grant in respect of payment of regular

salary to the petitioner.

5. Considering the facts and circumstances of the case and in view of the fact that right from the date of her appointment and approval, the petitioner has not been paid regular salary to which the petitioner is entitled to consequent to the approval of her appointment. It is not in dispute that the petitioner's appointment has been approved by the 3rd respondent/Institute vide order dated 22.08.2007. It appears that due to non compliance of certain procedural aspects as contemplated in the Rules as pointed out the above by the learned Government Advocate, the petitioner has not been paid the regular salary.

6. Therefore, the 4th respondent/management is directed to comply with the requirements as mentioned in the counter affidavit and claim the salary payable to the petitioner from the date of her appointment i.e., on 22.08.2007 from the respondents 1 to 3 and on such claim being made by the 4th respondent/management, the respondents 1 to 3 are directed to release the salary payable to the petitioner payable from 22.08.2007 forthwith by passing appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. No costs.

-s/d-

Assistant Registrar

True copy

Sub-Assistant Registrar

To

1. The Secretary,
Government of Tamil Nadu,
School Education Department,
Fort St. George,
Chennai-600 009.

2. The Director of Teacher Education,
College Road,
Chennai-600 006.

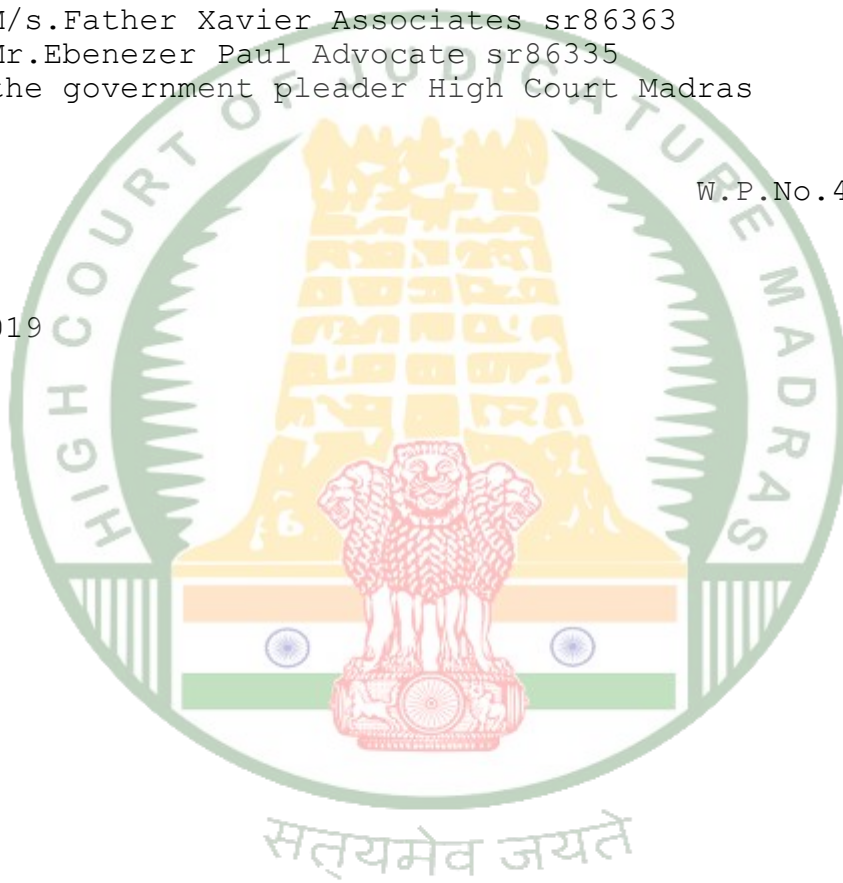
3. The Principal District Institute of
Education and Training,
Kaliyampoondi,
Kancheepuram District-603 402.

4. The Correspondent,
Gnanodaya Teacher Training Institute,
Polwell's Road, St. Thomas Mount,
Chennai - 600 016.

+1 cc to M/s.Father Xavier Associates sr86363
+1 cc to Mr.Ebenezer Paul Advocate sr86335
+1 cc to the government pleader High Court Madras
sr 86492

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