

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Monday, the Twenty Second day of July Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE S. VAIDYANATHAN

WMP No.13138 of 2019

IN WP.NO.12819/2016

1 DR.S.S.SUNDARESAN, [PETITIONERS]
ASSISTANT PROFESSOR (PHYSICS),
SIR THEAGARAYA COLLEGE, CHENNAI-600 021.

2 DR.P.SUTHARSAN,
ASSISTANT PROFESSOR (PHYSICS),
SIR THEAGARAYA COLLEGE, CHENNAI-600 021.

Vs

1 DR.T.BHARTHASARATHI, [RESPONDENTS]
2 DIRECTOR OF COLLEGIATE
EDUCATION, CHENNAI-600 006.
3 REGIONAL JOINT DIRECTOR OF
COLLEGIATE EDUCATION, CHENNAI REGION,
CHENNAI-600 015.

4 SIR THEAGARAYA COLLEGE
COMMITTEE, REP. BY ITS SECRETARY,
SIR THEAGARAYA COLLEGE, CHENNAI-600 021.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue an Interim Direction, directing the 1st and 2nd Respondents to release the salary to the 4th and 5th Respondents, (WMP.13138/2019) pending disposal of the WP.12819/2016

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.R.PARTHIBAN, Advocate for the petitioner and of MR.P.GANESAN, FOR M/S.C.S.ASSOCIATES, for the 1st Respondent and of M/S.P.KAVITHA, Government Advocate on behalf of the 2 & 3 Respondents and of MR.B.RAVI, Advocate for the 4th Respondent the court made the following order:-

For the sake of convenience, the Parties would be referred by their nomenclature as found mentioned in this Miscellaneous Petition.

2. This Miscellaneous Petition has been filed for an interim direction to the 1st and 2nd Respondents to release the salary to the Petitioners herein, who are the Respondents 4 & 5 in the main writ petition in W.P.No.12819 of 2016.

3. It is the case of the Petitioners that they are working under the 3rd respondent for the last four years without any salary, pursuant to the interim order of Status Quo granted by this Court on 18.03.2016 and though the 3rd Respondent has extracted work from them, no wages have been paid till now, on the ground that the Government has not released the salary due to existence of the interim order of Status Quo. Once a person is hired to do a job, then it is incumbent on the employer to pay salary to him.

4. The appointment orders issued to these petitioners, who are contesting respondents in the Writ Petition are to be tested after a detailed adjudication and in case the Writ Petitioners succeed, the contesting respondents will certainly forfeit their right to claim salary. Admittedly, as of now, the Petitioners herein are working without wages, thereby struggling to eke out their livelihood.

5. The learned Government Advocate has fairly submitted that on account of existence of interim order, the Government is not in a position to release the salary to these petitioners.

6. In view of the above, this Court is of the view that these Petitioners are entitled to an interim direction as sought for. Accordingly, there shall be an interim direction to the 3rd Respondent (in the main writ petition) to forward the proposal in respect of the case of the petitioners to the Respondents 1 & 2, within a period of ten days from the date of receipt of a copy of this order and on receipt of the same, the concerned Respondent, in turn shall approve the same and release the salary due to the Petitioners herein / R4 & R5 in the Writ Petition within 45 days from the date of receipt of proposal. It is made clear that the future salary commencing from August, 2019 need to be paid to the petitioners without fail and the amount payable to these petitioners will be subject to the outcome of the result in the Writ Petitions.

7. With the above direction, this Miscellaneous Petition is ordered.

-sd/-
22/07/2019

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 DIRECTOR OF COLLEGIATE
EDUCATION, CHENNAI-600 006.

2 REGIONAL JOINT DIRECTOR OF
COLLEGIATE EDUCATION, CHENNAI REGION,
CHENNAI-600 015.

3 THE SECRETARY,
SIR THEAGARAYA COLLEGE COMMITTEE,
SIR THEAGARAYA COLLEGE, CHENNAI-600 021.

C.C. to MR.PARTHIBAN R. Advocate on payment of necessary
charges

The Government Advocate, High Court, Madras - 104.

Order
in
WMP.13138/2019

in
WP.NO.12819/2016

Date :22/07/2019

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