

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.1651 of 2018

K.Lakshminarayanan

... Petitioner

Vs

1.The Chief Educational Officer,
Cuddalore District,
Cuddalore 607 001.

2.The District Educational Officer,
Cuddalore 607 001.

3.The Secretary,
Roman Catholic Area Diocese
of Pondicherry,
No.25, Church Road,
Santhome, Chennai 600 004.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing respondents to alter the service records of the petitioner so as to show the appointment as a regular appointment since 05.06.1989 and consequently directing the respondents to pay petitioner the difference in salary between regular salary and consolidated pay from 05.06.1989 to 09.01.1997 and also to consequently alter the pension payable to petitioner.

For Petitioner : Mr.R.Gururaj

For Respondents : Mr.A.Raja Perumal, AGP, for RR1 & 2

O R D E R

The relief sought for in the Writ Petition is for a direction to the respondents to alter the service records of the Writ Petitioner so as to show the appointment as a regular appointment since 05.06.1989 and consequently direct the respondents to pay the petitioner the difference in salary between regular salary and consolidated pay from 05.06.1989 to 09.01.1997.

2. Admittedly, the Writ Petitioner was appointed on 05.06.1989 by the third respondent in its Aided Minority School. The proposal for approval of appointment was submitted by the third respondent and the appointment of the Writ Petitioner was not at all approved by the competent Educational Authority. At that time, the Writ Petitioner was serving in the third respondent-School.

3. The fact remains that the Writ Petitioner was subsequently appointed in a Government School and attained the age of superannuation and was allowed to retire from service on 31.05.2017.

4. The grievance of the petitioner is that his service must be regularised retrospectively from the date on which he was appointed as a private teacher in the third respondent-School.

5. Admittedly, the appointment of the Writ Petitioner in the third respondent-School was not approved by the competent Educational Authority. Thus, in respect of any salary or claim in the service rendered by the Writ Petitioner in the third-respondent School, if at all, the Writ Petitioner is eligible to claim, the same has to be made against the third respondent Management and not against the Government.

6. This Court is of the opinion that in respect of the Government service rendered by the Writ Petitioner, the pensionary and terminal benefits are to be settled and the Writ Petitioner is entitled to the claim of pension and other pensionary benefits only with reference to the service rendered by him with the Government.

7. In this view of the matter, mere claim made by the Writ Petitioner to alter the service records, cannot be granted. Service Records of the Writ Petitioner are to be intact. However, the issue arose on account of the non approval of the appointment of the petitioner in respect of the service rendered by him in the third respondent's Aided Minority School.

8. This being the factum, the Writ Petitioner is not entitled for any relief in respect of the service rendered by him in the Private School. Accordingly, the Writ Petition is devoid of merits and it stands dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

pvs

To

1.The Chief Educational Officer,
Cuddalore District,
Cuddalore 607 001.

2.The District Educational Officer,
Cuddalore 607 001.

3.The Secretary,
Roman Catholic Area Diocese
of Pondicherry,
No.25, Church Road,
Santhome, Chennai 600 004.

+1 cc to Mr.R.Gururaj, Advocate, S.R.No.10905

+1 cc to the Government Pleader, S.R.No.10750

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KAN(CO)
SSM(06/03/2019)



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