

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 30.04.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD)No.11209 of 2019**
and W.M.P. (MD)No.8564 of 2019

S.Vimala

... Petitioner

Vs.

- 1.The Director of Elementary Education,
College Road, Chennai 600 006.
- 2.The Chief Educational Officer,
Tiruchirapalli, Tiruchirapalli District.
- 3.The District Educational Officer,
Musuri, Tiruchirapalli District.
- 4.The Block Educational Officer - 2,
Musuri, Tiruchirapalli District.
- 5.The Headmaster,
Panchayat Union Middle School,
Therkusithampur, Musiri,
Tiruchirapalli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the respondents 2 to 5 to sanction and disburse all monetary and other attendant service benefits admissible to the petitioner for the period from 01.08.2017 to 31.01.2018 with penal interest at the rate of 18%.

For Petitioner : Mr.T.Cibi Chakraborty

For Respondents : Mrs.S.Srimathy,
Special Government Pleader.

**ORDER**

This writ petition has been filed seeking a direction to the respondents 2 to 5 to sanction and disburse all monetary and other attendant service benefits admissible to the petitioner for the period from 01.08.2017 to 31.01.2018 with penal interest at the rate of 18%.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents. By consent, the Writ Petition itself is taken up for final disposal at the stage of admission.

3. The case of the petitioner is that she has filed WP(MD) No.16555 of 2017, challenging the order of transfer made against her dated 08.08.2017. This Court, based on the proceedings issued by the District Elementary Educational Officer, allowed the writ petition and quashed the order of transfer dated 08.08.2017. Thereafter the petitioner was permitted to join as a Secondary Grade Teacher in the fifth respondent school, where she worked earlier. The grievance of the petitioner is that the authorities did not disburse the monetary and other attendant service benefits for the period from 01.08.2017 to 31.01.2018. Seeking such benefits, she made a representation dated 05.03.2018 to the respondents and the same is pending for consideration.

4. The learned counsel appearing for the petitioner submitted that in similar circumstances, this Court, passed orders in ***W.P (MD) No.13224 of 2018 (V.Devaki Vs. The Director of Elementary Education, DPI Campus, College Road, Chennai - 600 006) on 21.06.2018***, directing the respondents therein to consider the request of the petitioner within a period of six weeks. It would be useful to refer the operative portion of the order, which reads as follows:

"11.There shall be a direction to the respondents to consider the said request of the petitioner dated 04.04.2018, taking into consideration the aforesaid facts and circumstances and also taking into account the medical leave applied by the petitioner from 11.08.2017 to 07.09.2017 and the stay order granted by this Court on 04.09.2017 and the subsequent cancellation of the transfer order passed by the respondents dated 24.01.2018 and also the fact that the petitioner was permitted to join duty only on 25.01.2018 and accordingly, pass necessary orders for sanctioning salary to the petitioner for the said period and such orders shall be passed within a period of six weeks from the date of receipt of a copy of this order. It is made clear that if the salary is not paid within a period of six weeks as indicated above, the said amount shall carry 6% interest."



5. In view of the above, this writ petition is disposed of with a direction to the respondents to consider the claim of the petitioner based on her representation, dated 05.03.2018 and pass appropriate orders, on the same lines as observed in the order passed in W.P(MD)No.13224 of 2018 dated 21.06.2018. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS)

ps
To

1. The Director of Elementary Education,
College Road, Chennai 600 006.
2. The Chief Educational Officer,
Tiruchirapalli, Tiruchirapalli District.
3. The District Education Officer,
Musuri, Tiruchirapalli District.
4. The Block Educational Officer-2,
Musuri, Tiruchirapalli District.
5. The Headmaster,
Panchayat Union Middle School,
Therkusithampur, Musiri,
Tiruchirapalli District.

+1CC to Mr.T.CIBI CHAKRABORTHY, Advocate (SR-64159[F] dated 30/04/2019)
+1 CC to M/s.SPL GP (SR-64888[F] dated 02/05/2019)

W.P (MD) No.11209 of 2019
30.04.2019

ES/24.05.2019/3P/8C