



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 15.11.2019
CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD)No.1217 of 2019

Saraswathy .. Appellant

Vs.

1.State of Tamil Nadu,
Represented by its Secretary to Government,
School Education Department,
Secretariat,
Fort St.George,
Chennai - 9.

2.The Principal Accountant General (A&E),
Tamil Nadu,
Chennai.

3.The Director of Elementary Education,
College Road,
Chennai - 6.

4.The District Educational Officer,
Vallioor,
Tirunelveli District.

5.The Block Educational Officer,
Vallioor,
Tirunelveli District.

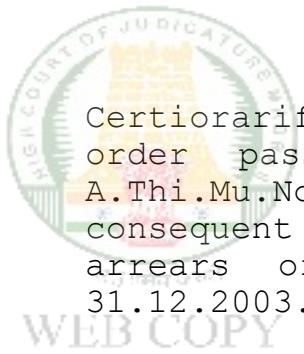
6.The Secretary,
Marthandam Hindu Primary School,
Avaraikulam,
Tirunelveli District.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.(MD).No.20122 of 2019 dated 19.09.2019.

Prayer in WP(MD). 20122/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court for issuance of writ of



Certiorarified Mandamus Calling for the records pertaining to the order passed by the 5th respondent in his proceedings in A.Thi.Mu.No.767/Aa1/2019 dated 26.7.2019 and quash the same and consequent direction may be issued to the respondents to disburse arrears of revised salary for the period from 1.6.1989 to 31.12.2003.

For Appellant : Mr.T.A.Ebenezer
For Respondents : Mr.A.K.Baskarapandian
(R1 & R3 to R6) Spl.Govt.Pleader
For R2 : Mr.P.Gunasekaran

JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.T.A.Ebenezer, learned counsel appearing for the appellant and Mr.A.K.Baskarapandian, learned Special Government Pleader accepting notice on behalf of R1 and R3 to R6 and Mr.P.Gunasekaran, the learned standing counsel for R2.

2. It appears that the 6th respondent, which is the School, in which the appellant was working, has not taken any adverse stand against the appellant. Therefore, we are inclined to dispose of the appeal without notice to the 6th respondent.;

3. The appellant filed a Writ Petition challenging a return memo sent by the 5th respondent, dated 26.07.2019, by which, the proposal submitted by the 6th respondent Management, pertaining to the disbursement of arrears of revised salary payable to the appellant was returned for two reasons. The proper procedure that should have been followed by the 6th respondent and to resubmit the papers.

4. The learned counsel for the appellant submitted that as early as on 03.01.2018, the Management has submitted a requisite particulars.

5. On perusal of the copy of the said letter, we find that it is not in the appropriate form answering the two queries raised by the Department, in its Memo, dated 26.07.2019,. The appellant is aged about 77 years and due to old age, he is unable to move around nor go to the school to request the Secretary to send appropriate proposal and represent the papers.

6. Considering these facts, we direct the 6th respondent institution to resubmit the proposal by answering both the queries in proper manner and also issue separate certificate, as called for by the Department. This shall be complied with by the 6th respondent within a period of one week from the date of receipt of a copy of



this order. On receipt of such proposal, the 5th respondent is directed to process the same and take an effective steps for disbursement of the entitlement of the appellant by taking note of all the facts and pass a speaking order, within a period of two weeks thereafter.

7. With the above direction, the Writ Appal is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

MPK

To

- 1.The Secretary to Government,
State of Tamil Nadu,
School Education Department,
Secretariat,
Fort St.George,
Chennai - 9.
- 2.The Principal Accountant General (A&E),
Tamil Nadu,
Chennai.
- 3.The Director of Elementary Education,
College Road,
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- 4.The District Educational Officer,
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- 5.The Block Educational Officer,
Vallioor,
Tirunelveli District.
- 6.The Secretary,
Marthandam Hindu Primary School,
Avaraikulam,
Tirunelveli District.

+1 CC to MR.T.A.EBENEZER, Advocate (SR-98724[F] dated 15/11/2019)
+1 CC to spL GP (SR-98851[F] dated 15/11/2019)

W.A. (MD)No.1217 of 2019

15.11.2019

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