

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 20.07.2020
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.12462 of 2013

Nirmala Devadoss

... Petitioner

Vs.

- 1.The Director,
Directorate of Teacher Education
Research and Training
DPI Campus, College Road,
Chennai - 600 006.
 - 2.The Secretary
School Education Department,
Secretariat, Fort St.George,
Chennai - 600 009.
 - 3.The Principal,
The District Institute of Education and Training,
Kalyampoondi,
Kancheepuram District.
 - 4.Gnanodhaya Teacher Training Institute
1/60, Paulwells Road,
St.Thomas Mount,
Chennai - 600 016.
- Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to sanction and release its 2/3rd share of aid to cover the petitioner's salary for the period from 21.08.1998 to 30.05.2006 and also other terminal benefits with interest to the petitioner.

For Petitioner : Ms.Nirmala Devadoss
Party - In - Person

For Respondents : Mr.S.Suresh Kumar for R1 to R3
Government Advocate

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 1 to 3 to sanction

and to release its 2/3rd share of aid to cover the petitioner's salary for the period from 21.08.1998 to 30.05.2006 and also other terminal benefits with interest to the petitioner.

2.The case of the petitioner is that the petitioner took charge as Head Mistress/ Principal of the fourth respondent Institute on 21.04.1982 and her appointment was duly approved by the Education Department vide proceedings dated 30.11.1982. On 31.05.2006, the petitioner attained the age of superannuation but her tenure was extended by the Management for a period of two years. The grievance of the petitioner is that she was not paid salary from 21.08.1998 to 30.05.2006 and the petitioner was informed that since the Government did not grant annual aid she was not paid salary.

3.In the counter affidavit filed by the first respondent, it is stated that the annual increment sanctioned to the teaching and non teaching staff should be counter signed by the third respondent and all the records are to be produced before the audit wing and then only auditing could be completed. It is further stated that the accounts of the fourth respondent Institute has not been audited by the Audit Wing of the Directorate of School Education for non production of Cash Book, Registers and duly counter signed Service Registers and other connected records. Hence, the annual grant has not been arrived by the Audit Wing from the year 1998. The counter affidavit further states that the third respondent has stated that the petitioner has not handed over the records to the Management. In the absence of Service Register and pending audit from 1998, the respondents are not in a position to pay grant in aid (salary) to the petitioner.

4.The petitioner appeared as Party - In - Person and submitted that during the pendency of the writ petition, the relevant records were forwarded to the respondents for the purpose of auditing. Hence, this Court may issue direction to the respondents to complete the audit and to settle the eligible amount in favour of the petitioner within a stipulated time frame.

5.The learned Government Advocate reiterated the averments made in the counter affidavit.

6.Since the petitioner/ Party - In - Person submits that during the pendency of the writ petition, the relevant records have been forwarded to the respondents for the purpose of auditing, this Court directs the Audit Wing of the Directorate of School Education to complete the audit, if records are forwarded by Management and the petitioner within a period of five months from the date of receipt of a copy of this order. The respondents are further directed to settle the eligible

amount due to the petitioner, in favour of the petitioner, within a period of four weeks from the date of completion of audit.

7.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition, if any, is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Director,
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- 3.The Principal,
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Kalyampoondi,
Kancheepuram District.

+1 cc to Government Pleader Sr.No. 24970

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PA co
A.SK(09/09/2020)

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