

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.02.2020

Coram

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.35275 of 2015 and
W.M.P.No.26560 of 2018

K.Kanagavalli

... Petitioner

Vs.

1. The Chief Educational Officer,
Namakkal District, Namakkal.
2. Director of School Education,
Directorate of School Education,
College Road, Nungambakkam,
Chennai 600 006.
3. Chief Educational Officer,
O/o Chief Educational Officer,
Namakkal.
4. Head Master,
Government Girls Hr. Sec. School,
Paramathi, Namakkal District.
5. Head Master,
Government Hr. Sec. School,
Aniyapuram, Namakkal District.
6. Head Master,
Government Boys Hr. Sec. School,
Mallasamudram, Namakkal District.
7. Head Master,
Government Hr. Sec. School,
Vellalapatti, Salem District.

... Respondents

(R2 to R7 impleaded as per order dated
21.02.2020 made in WMP No.27458/2019
in w.P.No.35275/2016)

Prayer: This writ petition has been filed under Article 226 of the Constitution of India to issue a Writ or direction or order in the nature of Writ of Mandamus directing the respondent to process and pay salary for the period from 21.09.2011 till 07.07.2014 to the petitioner, by considering his representation dated 29.09.2015, within a reasonable period to be fixed by the court.

For Petitioner : Mr.R.Neelakandan
For Respondents : Mrs.P.Kavitha, Gov. Advocate

O R D E R

This writ petition has been filed for direction to the respondents to pay salary to the petitioner for the period from 21.09.2011 till 07.07.2014 , by considering her representation dated 29.09.2015.

2. The petitioner was working as Drawing Teacher in the Government Higher Secondary School, Paramathi in Namakkal District. While she was on medical leave from 08.09.2011, transfer order dated 18.09.2011 was issued, transferring her to the Government Higher Secondary School, Aniyapuram, Namakkal District and relieving order was also served to her on 24.09.2011. Therefore, she filed a writ petition in W.P.No.22916 of 2011 and got interim direction to pay the salary. In the meantime, another teacher was appointed in the place of the petitioner and the first respondent did not permit her to join duty. Subsequently, as per the order of this court in W.P.No.24759 of 2015, filed by the petitioner for transfer, she was considered for transfer and she was transferred to the school, now she is working. However, the first respondent has not taken any steps to regularise her absence period and to pay the salary for the period from 21.09.2011 to 07.07.2014 and hence, she made representation dated 29.09.2015. But no order has been passed. Hence this writ petition.

3. The learned Government Advocate submitted that if the representation given by the petitioner is pending, the same shall be considered in accordance with law, as per the direction and time limit, as ordered by this court.

4. Recording the submission made by the learned Government Advocate, without expressing any opinion on merits, this court directs the first respondent to consider the representation dated 29.09.2015 made by the petitioner, in accordance with law on merits, by taking note of the relevant

government orders, within 12 weeks from the date of receipt of a copy of this order. It is needless to say that the petitioner shall enclose the copy of the representation along with this order addressed to the first respondent.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected writ miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Chief Educational Officer,
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7. Head Master,
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Vellalapatti, Salem District.

+1cc to Mr.R.Neelakandan, Advocate, S.R.No.15612
+1cc to the Government Pleader, S.R.No.15675

W.P.No.35275 of 2015 and
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PA (CO)
KKV/26/05/2020



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