



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2020 CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.10282 of 2020

J.Stella

... Petitioner

Vs.

1) The Director of School Education,
DPI Campus, Chennai 6

2) The Chief Educational Officer,
O/o the Chief Educational Officer,
Virudhunagar District.

3) The District Educational Officer,
O/o the District Educational Officer,
Sivakasi, Virudhunagar District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent no.3 to disburse the monetary benefits arising out of the regularization of the suspension period of the petitioner as duty period from 20.12.2008 to 24.5.2010 and the consequential benefits including arrears to the petitioner in the light of the proceedings of the respondent no.3 vide Na.Ka.No.2359/B2/19 dated 16.3.2020 within the time period stipulated by this Court.

For Petitioner : Mr.T.Aswin Rajasimman
for T.Lajapathi Roy

For Respondents: Mr.M.Thilagar,
Government Advocate

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the respondent no.3 to disburse the monetary benefits arising out of the regularization of the suspension period of the petitioner as duty period from 20.12.2008 to 24.5.2010 and the consequential benefits including arrears to the petitioner in the light of the proceedings of the respondent no. 3 vide Na.Ka.No.2359/B2/19 dated 16.3.2019 within the time period stipulated by this Court.



2. The petitioner was a Teacher and she was placed under suspension pertaining to the disciplinary proceedings from 20.12.2008 to 24.05.2010.

3. Subsequently, the disciplinary proceedings, which relates to a criminal proceedings, ended in acquittal. The petitioner's suspension period was regularised and to that effect, an order also has been passed by the third respondent on 16.03.2020. According to the said order, the salary payable to the petitioner after deducting the Subsistence Allowance, if any, paid to her, was calculated at Rs.5,41,386/- and the said amount has to be paid to the petitioner.

4. Despite the said order having been passed in March 2020, so far, the amount payable to the petitioner since has not been disbursed, this writ petition has been filed by the petitioner with the aforesaid prayer.

5. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the official respondents.

6. Mr.Thilagar, learned Government Advocate appearing for the official respondents, on instructions, would submit that, pursuant to the earlier order passed by this Court in W.P.(MD) No.2910 of 2019 dated 11.02.2019, filed by the petitioner, the amount payable to the petitioner for having regularised the suspension period, as referred to above, comes to Rs.5,41,386/-. Since the said amount is not available with the third respondent office, in order to disburse the same, additional fund was sought for by the third respondent from the first respondent vide communication dated 07.08.2020 and till date, the amount, since has not been allotted by the first respondent, the third respondent is not in a position to disburse the same.

7. I have considered the said submission made by the learned counsel appearing for both sides and I have perused the materials placed before this Court.

8. Since the suspension period of the petitioner, as stated above, has been regularised and the salary due payable to the petitioner for the said period also has been calculated and arrived at, the said amount shall be immediately disbursed to the petitioner.

9. However, for want of funds at the office of the third respondent, it seems that the proposal has been sent to the first respondent on 07.08.2020. Therefore, now the ball is in the first respondent court and he has to release the additional fund for the disbursement of the said salary. At this juncture, this Court, having taken note of the above said developments, is inclined to

<https://hccs.courts.gov.in/tce/vs/writ> petition with the following order:



"that the first respondent shall immediately consider the proposal sent by the third respondent vide communication dated 07.08.2020 and accordingly, release the fund for the purpose of disbursing the same, to the extent of Rs.5,41,386/- to the petitioner as her salary due, for the period of suspension which having been regularised by order, dated 16.03.2020, within a period of four weeks from the date of receipt of a copy of this order and on receipt of such fund, the same shall be disbursed to the petitioner by the third respondent immediately."

10. With these directions, the Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1) The Director of School Education,
DPI Campus, Chennai 6
- 2) The Chief Educational Officer,
O/o the Chief Educational Officer,
Virudhunagar District.
- 3) The District Educational Officer,
O/o the District Educational Officer,
Sivakasi, Virudhunagar District.

+1 CC to M/s.Special Govt.Pleader (SR-15396[F] dated 31/08/2020)
+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-15359[F] dated 31/08/2020)

Order made in

W.P. (MD) No.10282 of 2020

Dated: 28.08.2020

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SDS (29.09.2020) 3P-6C

<https://hcservices.ecourts.gov.in/hcservices/>