

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WA.No.641/2021
& CMP.No.2856/2021

- 1.The Director of Public Libraries
O/o.The Director of Public Libraries
737, Anna Salai, Chennai-600 002.
- 2.The District Library Officer
Office of the Local Library Authority
737, Anna Salai, Chennai 600 002. ..Appellants

Versus

M.Suganandhan ..Respondent/Writ Petitioner

Prayer:- Writ Appeal filed under Clause 15 of the Letters Patent against the order passed in WP.No.12891/2020 dated 11.12.2020.

Prayer in W.P. No. 12891/2020 :

Writ Petition filed under Article 226 of the Constitution of India, praying Writ of Mandamus, to direct the respondents to sanction the backwages due to the petitioner from 19.8.1998 to 31.10.2006 and pay the same with interest at 24 percentage p.a. and within a time frame as may be fixed by this Court.

For Appellants : Mr.C.Munusamy
Special Government Pleader
[Education]

JUDGMENT

[Judgment of the Court was delivered by M.SATHYANARAYANAN,
J., through Video Conferencing]

1. The official respondents in WP.No.12891/2020 are the appellants herein.

2. The respondent/writ petitioner filed the said writ petition, praying for issuance of a writ of mandamus directing the official respondents/appellants herein to sanction the backwages due to the respondent/writ petitioner from 19.08.1998 to 31.10.2006 and pay the same with interest @ 24% per annum and within the time frame as may be fixed by this Court.
3. The said writ petition, after contest, came to be allowed with a direction, directing the official respondents/appellants herein to pay the arrears of salary and allowances to the respondent/writ petitioner for the period from 19.08.1998 to 31.10.2006 within a period of eight weeks from the date of receipt of a copy of the said order and the Court has also rejected the request for payment of interest for the belated payment @ 24% per annum.
4. Mr.C.Munusamy, learned Special Government Pleader [Edn] appearing for the appellants / official respondent would submit that though the respondent/writ petitioner was removed from service on 19.08.1998 and he made a challenge to the said order by filing OA.No.8880/2000 before the Tamil Nadu Administrative Tribunal, the matter could not be disposed of and on abolition of the Tribunal, it was transferred to the file of this court and renumbered as WP.No.47275/2006 [T] and came to be disposed of only on 08.02.2011 and in the interregnum, the respondent/writ petitioner had attained the age of superannuation on 31.10.2006.
5. It is brought to the knowledge of this Court by the learned Special Government Pleader that neither the respondent/writ petitioner nor the official respondents have brought to the knowledge of the Court as to the respondent/writ petitioner attaining the age of superannuation on 31.10.2006 and in the interregnum, he attained the age of superannuation and vide proceedings dated 09.04.2013, the 2nd appellant/2nd respondent having felt that there is no provision to initiate disciplinary proceedings against the person who was no longer in service, chose to drop the further proceedings and pension was also sanctioned during the year 2016 and gratuity was also settled in the year 2017.
6. The primordial submission made by the learned Special Government Pleader [Edn] is that admittedly, from the date

of removal from service on 19.08.1998, till the date of superannuation on 31.10.2006, the respondent/writ petitioner did not work and therefore, the question of paying the arrears of salary and allowances do not arise at all and the said material fact has been overlooked while allowing the writ petition and hence, prays for interference.

7. This Court has carefully considered the arguments advanced by the learned Special Government Pleader [Edn] appearing for the appellants/official respondents and also perused the materials placed before it.
8. A perusal of the order dated 08.02.2011 made in WP.No.47275/2006 [T] filed by the respondent/writ petitioner against the appellants herein would disclose among other things that while the respondent/writ petitioner was working as Grade-III Librarian in the services of the 2nd appellant/2nd respondent, he was removed from service on 19.08.1998 without holding any enquiry at all and challenging the legality of the procedure and order, he filed OA.No.8880/2000 and it was entertained and on abolition of the Tamil Nadu Administrative Tribunal, the case was transferred to the file of this Court and renumbered as WP.No.47275/2006 [T].
9. The learned Single Judge, having noted that a total go-by had been given to Rule 17[b] of the Tamil Nadu Government Servants Rules [Classification, Regulation, Appeals], now re-named as Tamil Nadu Civil Services [Discipline and Appeal] Rules, had interfered with the said order and by setting aside the same, granted liberty to the official respondents to initiate proceedings against the respondent/writ petitioner in accordance with the relevant statutory rules before inflicting any penalty and also directed to follow the said rules scrupulously. The fact remains that pending the said writ petition, the respondent/writ petitioner had attained the age of superannuation on 31.10.2006. The official respondents/appellants have felt that in the light of the said fact, there are no provisions in the Rule available for initiating disciplinary proceedings/action, chose to drop the further proceedings vide order dated 09.04.2013 and in the year 2016, sanctioned pension and in the year 2017, gratuity was also settled.
10. It is pertinent to point out at this juncture that a basic tenement of the rule, viz., Rule 17[b] of the Tamil Nadu Civil Services [Discipline and Appeal] Rules, have not been followed and though the writ petitioner was a permanent

employee in the services of the 2nd appellant/2nd respondent as Grade III Librarian, but for the fact of his removal of the writ petitioner, would have definitely continued in service and subject to initiation of the disciplinary proceedings, if any in respect of other delinquencies, he would have attained the age of superannuation on 31.10.2006. Therefore, in the light of the said fact, the respondent/writ petitioner cannot be put to blame.

11. It is also to be noted at this juncture that in WP.No.47275/2006 [T], the order came to be passed only on 08.02.2011 and in the interregnum, the respondent/writ petitioner had attained the age of superannuation on 31.10.2006 and the order dated 09.04.2013 dropping the further proceedings came to be passed nearly two years thereafter. The official respondents took their own time to sanction pension after three years from the date of proceedings on 09.04.2013 and settled the gratuity in the year 2017. There is absolutely no tenable and acceptable reasons adduced on behalf of the official respondents as to the said delay.
12. This Court also note with anguish that it has become regular feature on the part of the officials not to take serious note of the orders passed by this Court and they are repeatedly indulging in compliance of the orders of this Court, only after initiation of the contempt proceedings. It is high time that the concerned Administrative Department shall take note of this repeated kind of infractions and if necessary, shall issue administrative instructions or initiate appropriate departmental and other action for the belated compliance of the orders passed by this Court without any reasons/reasonable or acceptable explanation.
13. In the light of the above reasons, the respondent/writ petitioner cannot be put to blame and the learned Single Judge, have taken note of the overall facts and circumstances and has rightly granted the relief of payment of arrears of salary and allowances to the writ petitioner for the period from 19.08.1998 to 31.10.2006 and expressly declined to grant interest as requested by the writ petitioner @ 24% per annum.
14. This Court, on an independent application of mind to the entire materials, is of the considered view that there is no error apparent or infirmity in the reasons assigned by the learned Single Judge in allowing the writ petition and finds no merits in this writ appeal.

15. In the result, the writ appeal stands dismissed at the admission stage itself, confirming the order dated 11.02.2020 made in WP.No.12891/2020. The appellants/official respondents are directed to comply with the said order dated 11.02.2020 made in WP.No.12891/2020, as confirmed in this writ appeal, within a period of twelve weeks from the date of receipt of a copy of this order / uploading of the order in the website and communicate the decision taken, to the respondent/writ petitioner. No costs. Consequently, the connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

AP

To

1.The Director of Public Libraries
O/o.The Director of Public Libraries
737, Anna Salai, Chennai-600 002.

2.The District Library Officer
Office of the Local Library Authority
737, Anna Salai, Chennai 600 002.

Copy to:-

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WA.No.641/2021

EV(CO)
SP(14/06/2021)

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