

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.03.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.12767 of 2019

T.Anubharathy

... Petitioner

Vs

1. Chief Educational Officer,
Chief Educational Office,
Thiruvavur,
Thiruvavur District.

2. The Correspondent,
Jayalakshmi Vilas Middle School,
Manargudi - 614 001,
Thiruvavur District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the 2nd respondent to pay salary to the petitioner for the period from 01.12.2017 to till date, and pass such other order as this Court.

For Petitioner : Mr.Varadarajalu.S.T.
For Respondents : Mr.P.Raja (for R1)
Government Advocate
No appearance (for R2)

O R D E R

This writ petition has been filed, seeking a direction to the 2nd respondent to pay salary to the petitioner for the period from 01.12.2017 to till date, and pass such other order as this Court.

2. The case of the petitioner is that she was appointed as Secondary Grade Teacher in the 2nd respondent School on 01.02.2010. She went on Maternity Leave from 13.03.2017 to 12.12.2017. Thereafter, the 2nd respondent did not permit the petitioner to join duty and removed her from service by an order dated 12.02.2018. Hence, the petitioner approached this Court earlier by way of filing W.P.No.27720 of 2018 to dispose of the appeal, challenging the order of the 2nd respondent dated

12.02.2018. This Court by an order dated 26.10.2018, directed the 1st respondent to dispose of the appeal. Pursuant to the order of this court, the appeal has been disposed of and the petitioner was reinstated in service on 28.11.2018. However, she was not paid salary from 01.12.2017 till date. Hence, the petitioner has filed the present Writ Petition.

3. The respondents filed a detailed counter wherein in paragraph 9 in a tabular form, the reason for non-payment of wages has been categorically stated. The learned Government Advocate appearing for the 1st respondent would submit that since no proposals got emanated from the 2nd respondent, the 1st respondent could not sanction the wages payable to the petitioner from 01.12.2017 to till date.

4. On a perusal of records, it shows that though there are some allegations against the petitioner, the same has not been established. Hence, this Court is of the view that the petitioner would be entitled to wages for the service rendered from 13.12.2017 to till date, if not already paid. Hence, the 2nd respondent is directed to send necessary proposals to the 1st respondent regarding payment of salary to the petitioner for the service rendered by her and the 1st respondent shall forward it to the Government as expeditiously as possible and the salary be paid to the petitioner within a period of 90 days from the date of receipt of a copy of this order. It is needless to mention that if any amount has already been paid, the same shall be adjusted and balance can be paid to the petitioner. This Court makes it very clear that if the amount is not paid within the stipulated period, the 1st respondent can initiate suitable action against the Correspondent of the 2nd respondent School and can attach the properties of the Correspondent for the payment of salary payable to the petitioner, in accordance with law.

5. With the above direction, this Writ Petition is disposed of. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar

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Sub Assistant Registrar

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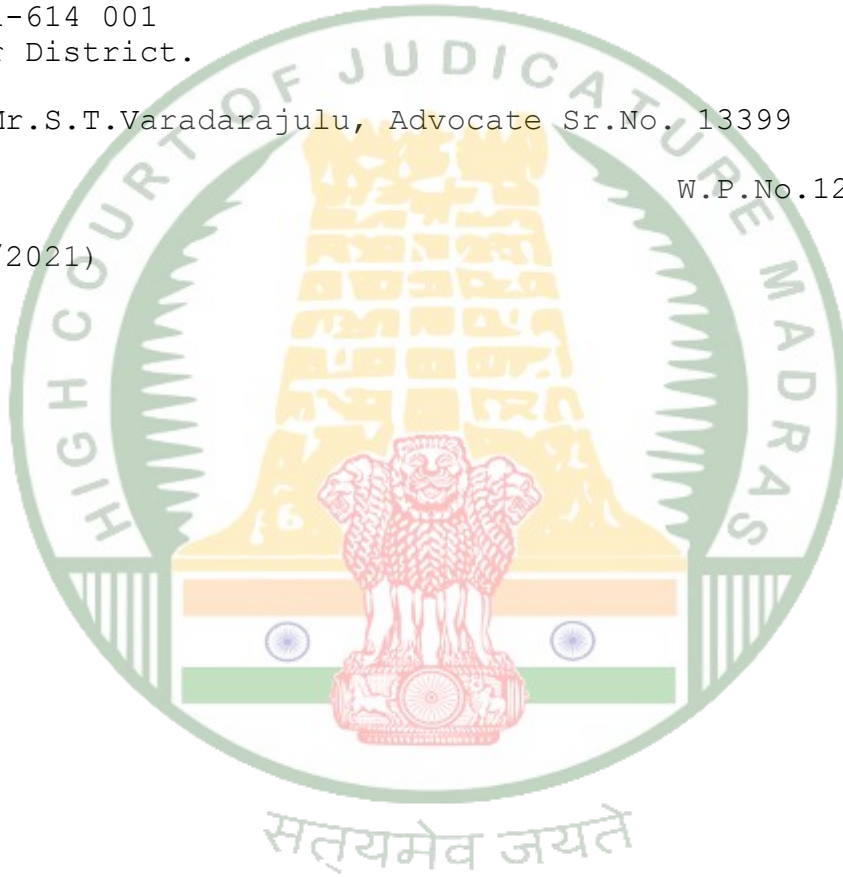
1.The Chief Educational Officer,
Chief Educational Office,
Thiruvarur,
Thiruvarur District.

2. The Correspondent
Jaya Lakshmi Vilas Middle School
Mannargudi-614 001
Thiruvarur District.

+1 cc to Mr.S.T.Varadarajulu, Advocate Sr.No. 13399

W.P.No.12767 of 2019

PMK (CO)
RMP (31/03/2021)



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