



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Monday, the Twenty Ninth day of March Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice M.S.RAMESH

WMP(MD) No.5430 of 2021

IN

WP(MD) No.7060 of 2021

S.IRULAPPAN

... PETITIONER/PETITIONER

Vs

1 THE GOVERNMENT OF TAMIL NADU,
REP. BY ITS PRINCIPAL SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
ST.GEORGE FORT, CHENNAI.

2 THE REGISTRAR,
MADURAI KAMARAJ UNIVERSITY,
PALKALAI NAGAR, MADURAI-625 021.

3 THE VICE CHANCELLOR
MADURAI KAMARAJ UNIVERSITY,
PALKALAI NAGAR,
MADURAI- 625 021.

4 THE PRINCIPAL
MADURAI KAMARAJ UNIVERSITY COLLEGE,
ALAGAR KOVIL ROAD,
MADURAI - 625 002.

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant an AD- INTERIM DIRECTION directing the respondents to disburse the monthly salary of the petitioner from the month of June 2019 to till the date for discharging his duty in the post of Associate Professor and HOD of Commerce at Madurai Kamaraj University College, Alagarkovil Road, Madurai pending disposal of the Writ Petition.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.C.VENKATESH KUMAR, Advocate for

<https://hcmr.judiciary.gov.in/268069> Mr.C.VENKATESH KUMAR, Advocate for the petitioner and of Mrs.VPM.VAISHNAVI,



Government Advocate on behalf of the 1st Respondent and Mr.K.RAGATHEESKUMAR, Standing Counsel for M/s.ISAAC CHAMBERS for R2 to R4, while admitting the Writ Petition, the court made the following order:-

WEB COPY

Mrs.VPM.Vaishnavi, learned Government Advocate, takes notice for the first respondent and Mr.K.Ragatheeskumar, for M/s.Isaac Chambers, learned Standing Counsel, takes notice for the respondents 2 to 4.

2.In earlier writ petition filed by the petitioner in W.P(MD) No.11751 of 2019, there was an interim order passed by this Court in W.M.P(MD) No.8904 of 2019, dated 08.05.2019, directing the University to permit the petitioner to continue in service of the college affiliated to the University. It is the case of the petitioner that though the respondent University was permitted to continue in service in the College, the salaries have been withheld.

3.On *prima facie* view, I do not find any justification on the part of the respondent University in extracting her service and refraining from paying the salaries. The issue as to whether the petitioner is entitled to continue in service or not, could be decided in the course of final hearing. The fact remains that when the petitioner renders her service, she would be entitled for her salary.

4.These aspects require further deliberations. Pertaining into account of the fact that the petitioner is continuing in her service, there shall be an interim direction to the respondents to pay the monthly salary from 01.06.2019 within a period of one week from the date of receipt of a copy of this order.

5.Post the matter on 30.06.2021 along with W.P.(MD).No.5673 of 2021.

sd/-
29/03/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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

THE PRINCIPAL SECRETARY TO GOVERNMENT,
GOVERNMENT OF TAMIL NADU,
HIGHER EDUCATION DEPARTMENT,
ST.GEORGE FORT, CHENNAI.

WEB COPY

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-2686[I] dated
30/03/2021)
+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-2718[I] dated
30/03/2021)

ORDER

IN

WMP (MD) No.5430 of 2021

IN

WP (MD) No.7060 of 2021

Date :29/03/2021

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JM/PN/SAR IV/17.04.2021/3P/4C