



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2021

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THE HON'BLE MR.JUSTICE R.MAHADEVAN

WP (MD) No.11910 of 2021

and

WMP (MD) No.9353 of 2021

WEB COPY

J.Serabin Ezhil Arasi ... Petitioner
Vs.

1.The Hon'ble Administrators
of Tirunelveli Diocese,
(Appointed by Hon'ble High Court, Madras)
CSI Tirunelveli Diocese,
Tirunelveli - 627 002.

2.The Chief Educational Officer
Tirunelveli District,
Kokkirakulam, Tirunelveli - 627 009.

3.The District Educational Officer,
Vallioor Educational District,
Govt. Hr. Sec. School Campus,
Vallioor, Tirunelveli - 627 117.

4.The District Educational Officer,
Tirunelveli Educational District
Govt. School Campus,
Swamy Nellaiappar Salai,
Tirunelveli Town, Tirunelveli - 627 001.

5.The Block Educational Officer,
Vallioor Range,
Vallioor, Tirunelveli - 627 117.

6.The Manager,
TDTA Primary & Middle Schools,
St. John's College Hostel Campus,
Palayamkottai - 627 002.
Tirunelveli District.

7.The Correspondent,
TDTA Primary School,
Maruthappapuram,
Radhapuram Taluk,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondent authorities to implement the proceedings/orders dated

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27.09.2019 passed by the Hon'ble High Court appointed Administrators of Tirunelveli Diocese and release and pay the pending salary of the petitioner for the period from 02.06.2018 to 02.10.2019 within a time to be fixed by this court.

For Petitioner : Mr. M.Sudhan
For R1 : Mr.Thangasivan
For R2 to R5 : Mr.B.Saravanan, GA

ORDER

The prayer made in this writ petition is to issue a writ of mandamus directing the respondent authorities to implement the proceedings/order dated 27.09.2019 passed by the learned Administrators appointed by this court and pay the pending salary for the period from 02.06.2018 to 02.10.2019 to the petitioner within a time frame to be fixed by this court.

2.The case put forth by the petitioner in the writ petition is as follows:

2.1 Originally, the petitioner was employed as Headmistress in STC Branch Primary School, Palayamkottai, Tirunelveli District and was subsequently, transferred to TDTA Primary School, Puttakarathi, Tirunelveli Town, Tirunelveli District by order of the sixth respondent dated 21.07.2017. Thereafter, by order dated 04.01.2018, she was transferred to TDTA Primary School, Samboothu, Manur Range, Tirunelveli District. On 02.06.2018, she was again transferred to TDTA Primary School, Maruthappapuram, Vallioor Range, Vallioor Educational District, Tirunelveli District. However, the petitioner did not join the transferred place, as there was no vacancy in the said school and she continued to discharge her duties as Headmistress at TDTA Primary School, Samboothu.

2.2 While so, the management also posted one D.Stella Margaret to TDTA Primary School, Samboothu, from TDTA Primary School, Azhagiyapandiyapuram on 02.06.2018. In view of the same, the salary payable to the petitioner from June 2018, was not paid to her by the respondent authorities.

2.3 Hence, the petitioner filed WP(MD)No.11977 of 2019, which, by order dated 15.05.2019, was disposed of, directing the Correspondent, Primary School, Samboothu to forward necessary papers to the District Educational Officer, Tirunelveli Educational District, within a period of two weeks and the District Educational Officer was directed to consider the petitioner's representation dated 18.03.2019 for payment of her salary from June 2018 onwards. However, the said direction was not complied with by the respondent authorities.

2.4 When the things stood thus, this court by order dated 05.08.2019 in WP (MD) No.21134 of 2017 etc. batch, appointed the



Hon'ble Mr. Justice N.Paul Vasanthakumar, Chief Justice of Jammu & Kashmir (Retd), and the Hon'ble Mr. Justice P.Jyothimani, High court of Madras (Retd) as administrators for Tirunelveli Diocese, who are empowered to deal with all complaints and grievances of all the employees of the institutions run by Tirunelveli diocese. The said order was also affirmed by a judgment dated 25.02.2020 passed by the Division Bench of this court in WA.(MD)No.878/2019 etc. batch.

2.5 Therefore, the petitioner approached the learned Administrators and submitted a detailed representation seeking to release her salary from June 2018 onwards. After conducting due enquiry, the Administrators by proceedings / order dated 27.09.2019, directed the concerned Educational authorities to release the salary payable to the petitioner.

2.6 Following the proceedings of the learned Administrators, the petitioner joined the post of Headmistress at TDTA Primary School, Marudhappapuram and from 3rd October, 2019 onwards, her salary is being paid. However, the respondent authorities have not implemented the proceedings / order of the learned Administrators dated 27.09.2019, and pay salary for the period from June 2018 to October 2019 to the petitioner. In this regard, the petitioner submitted several representations to the respondent authorities. However, till date, no order was passed with respect to release of the petitioner's salary for the period from 02.06.2018 to 02.10.2019. Therefore, this writ petition.

3. Heard both sides and perused the materials placed before this court.

4. The issue involved herein is only with respect to payment of salary to the petitioner for the period from 02.06.2018 to 02.10.2019.

5. According to the petitioner, due to non-availability of vacancy, she did not join the transferred place at TDTA Primary School, Maruthappapuram, Vallioor Range and she continued to work at TDTA Primary School, Samboothu, but, she was not paid salary for the disputed period; and the several representations made by her in this regard yielded no response.

6. Earlier, at the instance of the petitioner, this court by order dated 15.05.2019, disposed of the writ petition in WP(MD) No.11977 of 2019, directing the Correspondent, TDTA Primary School, Sampoothu, to forward the necessary papers to the District Educational Officer, Tirunelveli, within a period of two weeks from the date of receipt of that order and also directing the District Educational Officer, Tirunelveli, to consider the petitioner's representation dated 18.03.2019 and pass orders, on merits and in accordance with law, after affording opportunity of hearing to the respondent in a period of four weeks thereafter. However, the



respondent authorities have not acted upon the said order, till date.

7. Thereafter, pursuant to the complaint submitted by the petitioner, the learned Administrators appointed by this court, after hearing all the parties i.e., petitioner, D. Stella Margaret and Manager of TDTA Primary and Middle Schools and upon perusal of the records placed before them, ascertained the factual position and opined that the petitioner shall join in the transferred post as Headmistress in TDTA Primary School, Maruthappapuram on 03.10.2019; on her joining, the Correspondent shall claim the salary to her from 02.06.2018 as she is deemed to have joined and worked in the transferred post at Maruthappapuram; and on receipt of such salary bill from the correspondent, the Block Educational Officer, Vallioor Range, Vallioor Educational District, shall release the salary. Accordingly, the learned Administrators passed the proceedings / order dated 27.09.2019, insofar as the case of the petitioner is concerned.

8. As directed by the learned Administrators, the petitioner joined the transferred place on 02.10.2019. Subsequently, she submitted several representations to the respondents requesting to comply with the proceedings / order of the learned Administrators as regards the payment of salary for the disputed period, which were not considered, so far.

9. Considering the facts and circumstances of the case, more particularly that the respondent authorities did not pass any order, with regard to the claim of the petitioner, despite the order dated 15.05.2019 having been passed by this court in WP(MD)No.11977 of 2019 as well as the proceedings dated 27.09.2019 passed by the learned Administrators appointed by this court, this court deems it fit and appropriate to direct the concerned respondent authorities to consider the petitioner's latest representation dated 09.06.2021 and pass appropriate orders, on merits and in accordance with law and also in the light of the proceedings dated 27.09.2019, passed by the learned Administrators, within a period of eight weeks from the date of receipt of a copy of this order.

10. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

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Sub Assistant Registrar(CS)

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To

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- 2.The Chief Educational Officer
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+1 CC to M/s.SPL. GP (SR-30122[F] dated 24/09/2021)

WP(MD)No.11910 of 2021
23.09.2021

NSN (CO)
GC/PM(29.10.2021) 5P 9C