



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2021

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD) No.14504 of 2014

N.Thanalakshmi @ Velammal

:Petitioner

..vs..

1.The Director of Elementary Education,
College Road, Nungambakkam,
Chennai - 6.

2.The District Elementary Educational Officer,
Tirunelveli.

3.The Assistant Elementary Educational Officer,
Tirunelveli (Urban),
Tirunelveli.

4.The Secretary,
Hindu Middle School,
Melaveeraraghavapuram,
Tirunelveli -1.

5.The Headmistress,
Hindu Middle School,
Melaveeraraghavapuram,
Tirunelveli -1.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of to issue a Writ of Mandamus directing the respondents 4 and 5 to pay Rs.3,35,435/- towards interest at the rate of 18% for the belated payment of monetary benefits of 10 days salary between 11.11.2008 and 21.11.2008, annual increment from the year 2009 to 2013 and pay revision and fixation of Special Grade which were due in the year 2009 and to claim one day salary for the period between 11.11.2008 and 21.11.2008 and pay the same and further directing the respondents 4 and 5 to pay Rs.5,00,000/- towards mental agony and sufferings.

For Petitioner : Mr.M.Saravanan

For respondents : Mr.D.Sasi Kumar

1 to 3

Additional Government Pleader

O R D E R

This Writ Petition has been filed for issuing a direction to the respondents 4 and 5 to pay Rs.3,35,435/- towards interest at the rate of 18% for the belated payment of monetary benefits of 10 days salary between 11.11.2008 and 21.11.2008, annual increment from the year 2009 to 2013 and pay revision and fixation of Special



Grade, which were due in the year 2009 and to claim one day salary for the period between 11.11.2008 and 21.11.2008 and pay the same and further directing the respondents 4 and 5 to pay Rs.5,00,000/- towards mental agony and sufferings.

2. The petitioner is working as a Secondary Teacher in the 4th respondent school. On 24.10.2008 and thereafter, the 5th respondent did not permit the petitioner to affix the signature in the attendance register. The petitioner submitted a representation to the 4th respondent and thereafter, to the third respondent since no action was taken, the petitioner submitted a representation to the educational authorities / 2nd respondent and thereafter, the 3rd respondent vide proceedings, dated 19.11.2008 called upon the 4th respondent and petitioner for enquiry on 21.11.2008. Thereafter, the fourth respondent permitted the petitioner to affix the signature in the attendance Register. But the period was not regularized and salary was not paid. Hence, the petitioner submitted a representation to the third respondent. The petitioner claims that she is eligible for special grade also. She has also submitted a representation to the respondents, dated 15.06.2009 narrating all the eligible benefits. Thereafter, filed WP(MD).No. 10995 of 2009 and vide order. dated 31.10.2012 this Court was pleased to hold the petitioner is very much present in the school between 11.11.2008 and 28.11.2008 and directed the respondents 4 and 5 to send the proposal claiming salary and to pass appropriate orders. Since the respondents have not granted, the petitioner filed Contempt Petition No.761 of 2013 on 09.02.2013. When the contempt petition was taken up, the 2nd respondent produced the order in R.C.No.8846/B13/12, dated 23.08.2013 stating that the period was regularized and sum of Rs.5,16,609/- was disbursed to the petitioner. The petitioner alleges the respondents 4 and 5 deliberately withheld one day salary and claimed salary for 10 days instead of 11 days. Again the petitioner filed another Contempt Petition No.1279 of 2013 vide order, dated 09.12.2013 this Court was pleased to direct the petitioner to initiate appropriate proceedings. The petitioner alleges that she was not paid various benefits on the relevant period and the said portion is extracted hereunder:

" 5. I submit that the respondent 4 and 5 have deliberately prevented me to signing the attendance register from 11.11.2008 to 21.11.2008 and consequently, the salary for that period was not paid to me and annual increments from the year 2009 to 2013 were not given and I was not awarded special grade which was due to me in the year 2009. Further the new pay revision which was implemented from the year 2009 was not given to me. Though all the staff members of the 4th respondent school were fixed in the revised scale of pay in the year 2009 itself, my scale of pay was not revised and the same was done on



22.08.2013 after a lapse of more than 4 years. Since the respondents 4 and 5 have abused their powers and deliberately refused to claim the monetary benefit which is permissible to me, I sent representations on 12.07.2014 and 14.08.2014 claiming interest for the belated payment of the monetary benefits and compensation for my sufferings."

3.The second respondent has filed a counter and in the counter, the 2nd respondent has extracted hereunder:

" 5. It is submitted that as regard to salary for the period from 11.11.2008 to 21.11.2008, due to the petitioner it is submitted that for every aided school, the salary for the entire calender year is used to be settled by preparing annual teaching grant for each calender year. Accordingly, in the case of the petitioner school is concerned, in the Annual Teaching Grant Statement for the year 2008, for the month of November, 2008, 20 days salary was claimed and paid already in the month of March, 2009 itself, after deducting one day salary for " Sri Lankan Tamils Relief Fun" as per G.O.Ms.No.477, Finance (VMPRF), Department dated 05.11.2008. Hence, the petitioner was entitled to salary for the remaining 10 days only for the month of November, 2008. This 10 days salary was also claimed and paid to the petitioner by the Management of the school while settling her arrear claims. Hence, the allegation of the petitioner that only 10 days salary has been claimed instead of 11 days salary for November, 2008 is utterly false to the knowledge of the petitioner."

4.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

5.When the case was taken up for hearing on previous occasion the fourth respondent counsel has circulated a letter stating that the school has been sold to Mr.V.P. Rajeshwaran and the earlier management is not running the school. It is a specific case of the 2nd respondent that the entire dues has been paid.

6.It is the allegation of the petitioner that during the month of November 2008 only 20 days salary was claimed and paid but the counter of the second respondent states that 10 days salary was also claimed and paid to the petitioner by the management while settling her arrears claim. As far as the deduction of salary for one day is concerned, the respondent has stated that the one day salary for " Sri Lankan Tamils Relief Fund" as per G.O.Ms.No.477,



Finance (VMPRF) Department, dated 05.11.2008, was deducted. Hence, this Court holds the claim is in correct. As far as the annual increments and special grade and new pay revision are paid while paying the arrears of Rs.5,16,609/- on 23.08.2013.

7.It is seen from the records that none of the benefits are pending. The petitioner is claiming interest for Rs.3,35,435/- towards interest at the rate of 18%. The petitioner has claimed one day salary which was deducted for the purpose of " Sri Lankan Tamils Relief Fund" as per G.O.Ms.No.477, Finance (VMPRF) Department, dated 05.11.2008, from this itself it would be very clear the attitude of the petitioner. The petitioner has also claimed interest for the other belated annual increments, special grade pay, new pay revision etc., If interest is started to pay all the claims then there will not be any end to the litigation at all. The petitioner seems to be concentrating on fighting with the management rather than doing her duty as teacher. Moreover, it is seen from the records that the school is sold to some other new persons. Even if the interest is allowed, the present management may not be in a position to pay it and any mistake committed by the erstwhile management cannot be fastened on the new management.

8.Therefore, this Court is not inclined to grant any relief and the Writ Petition is devoid of merits. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (T & P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

trp

To

- 1.The Director of Elementary Education,
College Road, Nungambakkam, Chennai - 6.
- 2.The District Elementary Educational Officer,
Tirunelveli.
- 3.The Assistant Elementary Educational Officer,
Tirunelveli (Urban), Tirunelveli.

W.P(MD) No.14504 of 2014

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RS (03.12.2021) 4P 4C

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