



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2022

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.NO.2442 OF 2019

AND

W.M.P.NO.2701 OF 2019

Bellina Xavier

... Petitioner

-vs-

1. State of Tamil Nadu,
Represented by its Principal Secretary,
Higher Education Department,
Secretariat, Fort St. George,
Chennai-600 009.
2. The Joint Director of Collegiate Education,
Chennai Region, Chennai-600 015.
3. The Secretary,
Stella Maris College (Autonomous),
17, Cathedral Road, Chennai-600 086.

... Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling upon the proceedings of the Second respondent in Moo. Mu. No. 01323/U1/2018 dated 30.04.2018 dated and quash the same and consequently direct the Respondents to disburse the 7th Pay Commission Salary Arrears which has been withheld during the Month of October 2018 to the Petitioner.

For Petitioner : Mrs.R.Gowri

For Respondents : Mr.D.Gopal
Government Advocate (For R1 & R2)

Ms.Mary Sowmi Rexi
for M/s. Isaac Chambers (For R3)



O R D E R

Heard Mrs. R.Gowri, Learned Counsel for the Petitioner, Mr. D.Gopal, Learned Government Advocate appearing for the First and Second Respondents and Ms. Mary Sowmi Rexi, Learned Counsel for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed challenging the Proceedings in Moo. Mu. No. 01323/U1/2018 dated 30.04.2018 passed by the Second Respondent and to consequently direct the Respondents to disburse the Seventh Pay Commission Salary arrears which has been withheld during the Month of October 2018 to the Petitioner.

3. Learned Counsel for the Petitioner, on instructions, has made the following endorsement today in the court record:-

" By virtue of the proceedings of the Second Respondent Joint Director of Collegiate Education in Na. Ka. No. 2149/ Ou2/2021 dated 08.04.2022, revised order has been issued cancelling the impugned proceedings dated 30.04.2018 and restoring the Petitioner's grade pay. Thereby, the Respondent has withdrawn the recovery order and no recovery would be made from the Petitioner's salary. The relief claimed by the Petitioner has been granted by the Second Respondent by revised proceedings dated 08.04.2022."

The Respondents have also produced copies of G.O. Ms. No. 5, Higher Education (H1) Department dated 11.01.2021 and Letter in Na. Ka. No. 2149/ Ou2/2021 dated 08.04.2022 from the Second Respondent in support of the aforesaid submissions made, which are placed on record. In view of the aforesaid subsequent events, no further orders are required in the Writ Petition.

In fine, the Writ Petition is disposed. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gd



To

1. The Principal Secretary to Government of Tamil Nadu,
Higher Education Department,
Secretariat,
Fort St. George,
Chennai-600 009.
2. The Joint Director of Collegiate Education,
Chennai Region,
Chennai-600 015.
3. The Secretary,
Stella Maris College (Autonomous),
17, Cathedral Road,
Chennai-600 086.

+1cc to the Government Pleader, S.R.No.25747

W.P.No.2442 of 2019

KJ(CO)
RLP(11/05/2022)