



WP(MD)No.667 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2022

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THE HON'BLE MR.JUSTICE R.MAHADEVAN

WP(MD)No.667 of 2022 &
WMP(MD)No.536 of 2022

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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,
Tirunelveli Educational District,
Govt. School Campus,
Swamy Nellaiappar Salai,
Tirunelveli Town, Tirunelveli – 627 001.
4. The Manager,
High Schools & Higher Secondary Schools,
CSI Tirunelveli Diocese, Tirunelveli 627 002.
5. Schaffer Higher Secondary School,
Tirunelveli, Tirunelveli District,
Rep.by its Correspondent.

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Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondent authorities 2 & 3 to release the salary benefits of the petitioner with effect from 06.04.2017 and all arrears and other benefits and also pay the regular salary as per the salary bill submitted by the fifth respondent in pursuant to the directions dated 21.10.2019 and 14.12.2019 issued by the Hon'ble Administrators of Tirunelveli CSI Diocese appointed by this Court within a time to be filed by this Court.

For Petitioner	: Mr. M.Sudhan
For R1	: Mr.Thangasivan
For R2 & R3	: Mr.S.Shaji Bino, Spl.GP
For R4 & R5	: Mr.P.P.Alwin Balan

ORDER

The prayer made in this writ petitions is to issue a writ of mandamus, directing the respondent authorities 2 & 3 to release the salary benefits of the petitioner with effect from 06.04.2017 and all arrears and other benefits and also pay regular salary as per the salary bill submitted by the fifth respondent in pursuant to the directions dated 21.10.2019 and 14.12.2019 issued by the Hon'ble Administrators of Tirunelveli CSI Diocese appointed by this Court within a time to be fixed by this Court.

2. According to the petitioner, he was appointed as waterman in



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the fifth respondent school by order dated 06.04.2017 against the sanctioned vacancy, arose due to the death of one Selvaraj. Accordingly, he joined duty on 06.04.2017 and has been continuously working in the said post. However, his appointment was not approved and the same was refused by the third respondent by proceedings dated 08.05.2017. Therefore, the petitioner filed WP(MD)No.12782 of 2017, which was allowed by this court by order dated 18.07.2017. Even thereafter, the appointment of the petitioner was not approved by the third respondent, which compelled the petitioner to file Contempt Petition No.2199 of 2017. During the pendency of the same, the third respondent vide proceedings dated 08.12.2017, approved the appointment of the petitioner with effect from 06.04.2017. However, the fifth respondent did not take any steps for submission of salary bill to the authorities. Therefore, the petitioner approached the Hon'ble Administrators by submitting a complaint dated 16.08.2019 and sought for a direction to pay salary along with arrears payable to him. By order dated 21.10.2019, the Hon'ble Administrators directed the fifth respondent to send salary bill to the third respondent for claiming salary from 06.04.2017 including arrears etc. within one week therefrom. The said order has not been complied with by the fifth respondent, which compelled the petitioner to



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again approach the Hon'ble Administrators and by order dated 14.12.2019, the Hon'ble Administrators directed the Inspector of Police, Tirunelveli to ensure that the order of this court as well as the Hon'ble Administrators are complied with in entirety and the petitioner is permitted to discharge his work in the school. Thereafter only, the petitioner was permitted to attend duty in the fifth respondent school and that, the fifth respondent by proceedings dated 05.08.2021, raised bill for salary along with arrears payable from 06.04.2017 to the petitioner. Subsequently, the third respondent sought certain clarifications, which were also duly clarified by the fifth respondent. However, the respondent authorities have not yet complied with the orders of the Hon'ble Administrators. Therefore, the petitioner has preferred this writ petition for the aforesaid relief.

3.The learned counsel for the petitioner submitted that though the petitioner has been appointed as waterman in the approved post / sanctioned vacancy, his appointment was not approved. Subsequently, pursuant to the order of this court dated 18.07.2017 at the instance of the petitioner, the third respondent has passed the proceedings dated 08.12.2017 approving the appointment of the petitioner with effect from



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06.04.2017. Further, the Hon'ble Administrators by orders dated 21.10.2019 and 14.12.2019, directed the educational authorities to pay salary along with arrears to the petitioner, with effect from 06.04.2017. Thereafter, the fifth respondent raised salary bill for the petitioner on 05.08.2021, however, the respondents 2 and 3 have not paid any amount towards salary and other benefits to the petitioner, till date. Therefore, the learned counsel prayed for appropriate direction to the respondent authorities in this regard.

4. Heard the learned counsel appearing for the respondents and also perused the materials available on record.

5. Admittedly, the petitioner was appointed as waterman in the fifth respondent school on 06.04.2017 in an approved / sanctioned vacancy. However, the said appointment was not approved by the third respondent. Thereafter, as per the order of this court dated 18.07.2017, passed in WP(MD)No.12782 of 2017, the third respondent vide proceedings dated 08.12.2017, approved the appointment of the petitioner, with effect from 06.04.2017. However, the petitioner was not paid any amount, which compelled him to approach the Hon'ble



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Administrators by making complaint. By order dated 21.10.2019, the Hon'ble Administrators directed the fifth respondent to send the salary bill to the District Educational Officer, Tirunelveli, for claiming salary from 06.04.2017 including arrears within a period of one week. Since the said order has not been complied with, the Hon'ble Administrators, by another order dated 14.12.2019, issued the following directions:

“The Inspector of Police, Tirunelveli is directed to see that the order of the Madurai Bench of Madras High Court W.P.(MD)No.12782 of 2017, dated 18.07.2017 and the direction issued by the Administrators dated 21.10.2019 is implemented by the Correspondent and the Headmaster of the Schaffter Higher Secondary School, Tirunelveli. The Inspector of Police is further directed to file a report regarding implementation of the High Court and the order of the Administrators to the next date of our sitting on 07.01.2020.”

It is also to be noted that though the fifth respondent challenged the aforesaid orders of the Hon'ble Administrators, by filing WP.(MD)No.91 of 2020, the same was subsequently, dismissed as withdrawn. Subsequently, the fifth respondent raised salary bill for the petitioner and submitted the same to the third respondent on 05.08.2021. That apart, the clarifications sought by the third respondent were also duly furnished by the fifth respondent. Even thereafter, no action has been taken by the respondent authorities and the petitioner has not been paid any salary till date. Such sort of practice adopted by the respondent authorities cannot



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be countenanced by this court.

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6. Therefore, this court directs the respondents 2 and 3 to release the salary along with arrears payable to the petitioner with effect from 06.04.2017, and also pay the regular salary as per the bill submitted by the fifth respondent, in the light of the orders of the Hon'ble Administrators dated 21.10.2019 and 14.12.2019. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

16.12.2022

Index : Yes/No

Internet : Yes/No

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R.MAHADEVAN, J.

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