



W.P.(MD) No.4822 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.4822 of 2020

S.Sasikala

... Petitioner

-VS-

1.The Director of Collegiate Education,
College Road, Chennai.

2.The Joint Director of Collegiate Education,
Madurai Region, Madurai.

3.The Secretary
Rajapalayam Raju's College,
Rajapalayam, Virudhunagar District

4.The Principal
Rajapalayam Raju's College,
Rajapalayam, Virudhunagar District

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondents to release the salary of the petitioner from the date of appointment ie., with effect from 10.06.2013 as per the approval order passed by the 2nd respondent dated



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28.08.2019 with all consequential benefits.

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For Petitioner : Mr.V.Panneerselvam
For Respondents : Mr.S.Saji Bino for R1 & R2
Special Government Pleader
Mr.T.Cibi Chakraborty for R3

ORDER

This writ petition has been filed for a mandamus to direct the respondents to release the salary of the petitioner from the date of appointment ie., with effect from 10.06.2013 as per the approval order passed by the 2nd respondent dated 28.08.2019 with all consequential benefits.

2.The case of the petitioner is that the petitioner was appointed as a clerk on 23.05.2012 in the 3rd respondent College on consolidated pay. Subsequently he was appointed as Gardener in the permanent sanctioned vacancy vide order dated 07.06.2013 with effect from 10.06.2013. Accordingly, the management sent proposals to the official respondent. However, since no order has been passed, the management filed W.P.(MD)



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No.1234 of 2014 before this Court, wherein, a direction was issued to the 2nd respondent to consider the proposal sent by the management. Against the said order, writ appeal was filed, which came to be dismissed, against which an SLP came to be filed before the Hon'ble Supreme Court, which also came to be dismissed. Subsequently, the appointment of the petitioner was approved by proceedings dated 28.08.2019. However, the monetary benefits have not been disbursed to the non teaching staff of the respondent college and therefore, the petitioner sent representation to the respondents. Since the same has not been considered, the petitioner is before this Court with this writ petition.

3. The learned counsel for the petitioner would submit that though the petitioner's appointment was approved, the petitioner was not granted the monetary benefits and hence, a direction may be issued to the respondents.

4. The learned counsel for the 3rd respondent would submit that the petitioner has already been dismissed from service. However, the



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respondents will consider the petitioner's representation in accordance with law, if he is eligible and appropriate orders would be passed.

4. Considering the facts and circumstances and without expressing any opinion with regard to the merits of the petitioner, this writ petition is disposed of with a direction to the management to send a proposal to the official respondents, if not already sent. If any proposal is received by the official respondents from the management, the official respondents shall consider the same, if the petitioner is eligible, and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order. No costs.

07.12.2022

Index : Yes/No
Internet : Yes
RR



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To

- 1.The Director of Collegiate Education,
College Road, Chennai.
- 2.The Joint Director of Collegiate Education,
Madurai Region, Madurai.



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M.DHANDAPANI, J.

RR

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