



W.P.No.5130 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2023

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.5130 of 2018

and

W.M.P.No.6301 of 2018

R. Pushpammal

.. Petitioner

Versus

1. The State of Tamil Nadu
Represented by its Secretary
Department of School Education,
Fort St. George, Chennai – 600 009.

2. The Director of School Education,
College Road, Chennai – 600 006.

3. The Chief Educational Officer,
District Collectorate compound
Salem – 636 001.

4. The District Educational Officer
District Collectorate Compound
Salem – 636 007.

5. The Correspondent
St.Joseph's Girls Higher Secondary School
Suramangalam
Salem – 636 005.

.. Respondents



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Prayer: This Writ petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the Respondent to pay full salary with all attendant benefits to the petitioner from 05.08.1999 to till date within a reasonable period of time, as may be fixed by this Hon'ble court, pending disposal of the writ petition and pass orders.

For Petitioner	: M/s.B. Ram Prasath
For Respondent 1 to 4	: M. Shahjahan (Special Government Pleader)
For Respondent-5	: Mrs.Elizabeth Ravi

ORDER

This writ petition is filed to issue a writ of Mandamus directing the Respondent to pay full salary with all attendant benefits to the petitioner from 05.08.1999 to till date within a reasonable period of time

2.The case of the petitioner is that she is working as Post Graduate (PG) Assistant teacher in Botony in the 5th respondent school from June 1986 and her appointment was approved with effect from 26.06.1987. Thereafter, she was arrested in the year 1989 for a criminal case, due to



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which the 3rd respondent vide his letter in Na.Ka.No.11582/B1/99 dated 07.09.1999 suspended the petitioner from the services. The petitioner again joined her services on 31.12.2002. The grievance of the petitioner is that she has not paid the full salary with eligible higher scale of pay from 05.08.1999 i.e date of suspension till the date of retirement. Hence this petition.

3. The learned counsel for the petitioner submits that with regard to the same issue the petitioner has approached this Court in W.P.No.19729 of 1999 and this Court dismissed the writ petition vide order dated 10.12.2001 however, directed the respondent school to pay full salary for the period of suspension to the petitioner. However the same was not carried out.

4. Per Contra the learned counsel appearing for the respondent submitted that the petitioner's pay and benefits are to be regularized only after the final Judgment in the criminal case and there is no provision to extend the benefits as prayed by the petitioner.



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5. Heard both sides and perused the materials available on record.

6. The relevant portion of the order passed by this Court in

W.P.No.19729 of 1999 is extracted hereunder:

1. The Respondent school shall pay full salary for the period of suspension to the petitioner.

2. The Respondent school shall ascertain the progress of the criminal case from the investigating officer and receive a report, review the suspension without delay while taking note of the fact that the petitioner had already been enlarged on bail and the criminal investigation is under progress. Such review shall be undertaken within a period of two months from today.

3. So long as the petitioner is kept under suspension, the respondent school shall pay full salary for the period of suspension.

4. The above directions are issued without prejudice to the right of the school management to take back the petitioner into service also. “

7. This Court observed that the said order has not been complied with by the petitioner.

8. In view of the above this Court directs the respondents to



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comply with the earlier orders passed by this Court, if they have not done and also direct the respondents to pay full salary to the petitioner from the date of rejoining i.e 31.12.2002 to 31.03.2018 i.e the date of retirement. This Court is not inclined to express any opinion with regard to the Regularization of the services of the petitioner and the same shall be considered by the respondents on merits and in accordance with law.

9. With the above directions, this writ petition is disposed of. No order as to costs. Consequently, the connected miscellaneous petition is closed.

17.03.2023

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
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To

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4. The District Educational Officer
District Collectorate Compound
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5. The Correspondent
St.Joseph's Girls Higher Secondary School
Suramangalam
Salem – 636 005.
6. The Section Officer, V.R.Section,
High Court, Madras.



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V.BHAVANI SUBBAROYAN, J.

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