



W.P.No.5448 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.5448 of 2022

G.Jayabai

... Petitioner

Vs

1.District Education Officer

Having its Office at
Government Boys Higher Secondary School,
Chrompet,
Chennai – 600 077.

2.The Correspondent,

St. Joseph Higher Secondary School,
Vettuvankeni,
Neelangarai,
Chennai – 600 041.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay the petitioner's salary from 18.06.2012 as per the letter from the second respondent dated 28.07.2020 and as per the Proceedings of the Chief Minister's Special Cell dated 05.08.2021.



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For Petitioner : Mr.V.Chandrakanthan

For Respondents : Mr.S.Rajesh,
Government Advocate for R1

Ms.Abhisha Isaac
for M/s.Isaac Chambers for R2

ORDER

This writ petition has been filed, seeking for a direction to the respondents to pay the petitioner's salary from 18.06.2012 as per the letter dated 28.07.2020, addressed by the second respondent and as per the Proceedings of the Chief Minister's Special Cell dated 05.08.2021.

2.The petitioner was appointed as a Secondary Grade Teacher in the second respondent School, which is a Minority Aided Institution, on 10.10.2001. In connection with the suicide committed by a student, a criminal case was registered against the petitioner. The second respondent had conducted Disciplinary Proceedings against the petitioner and ultimately, had imposed the punishment of stoppage of increment for a period of one year. Consequently, the petitioner was placed under suspension on 18.06.2012. Thereafter, the petitioner was re-instated back into service on 11.01.2013 by revoking the suspension, apart from



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6.The first respondent herein in their counter affidavit have stated that the writ petitioner would be eligible for reinstatement only from the date of acquittal.

7.I have given careful consideration to the submissions made by the respective counsels.

8.The claim for payment of salary is for the period between 18.06.2012 to 10.01.2013, after deducting six months, as ordered by the second respondent in the punishment order dated 20.12.2012. Since the disciplinary proceedings has concluded and the petitioner has also been imposed with the punishment, the suspension period requires to be regulated. Thereafter, they had also submitted a proposal to the first respondent for sanction of funds. The objection raised by the first respondent herein seems to be baseless.

9.I am unable to comprehend as to how the petitioner's entitlement for salary would commence from the date of acquittal in the criminal case when the criminal case has absolutely no nexus with the present



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proceedings, wherein the petitioner was subjected to disciplinary proceedings and imposed with the punishment. His entitlement would arise the moment the order of punishment is passed since the second respondent chosen to regulate the punishment. Thus, the only objection raised by the first respondent in this regard has been rejected.

10.In the counter affidavit filed by the first respondent herein, it is admitted that the second respondent Management had sent a proposal on 01.09.2020. I am of the view that if the first respondent is called upon to process the petitioner's proposal and sanction the unpaid salaries, the ends of justice would be secured.

11.Accordingly, there shall be a direction to the second respondent to process and sanction the petitioner's proposal dated 01.09.2020, within a period of four weeks from the date of receipt of a copy of this order.



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M.S.RAMESH,J.

vga

12.With the above observation and direction, this writ petition
stands allowed. No costs.

07.06.2023

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

vga

To

The District Education Officer,
Government Boys Higher Secondary School,
Chrompet,
Chennai – 600 077.

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