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W.P.No.12823 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2023

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.12823 of 2021

and

W.M.P.Nos.13611, 18577, 30188 & 30193 of 2021

Meena Rathinasabapathy
Old No.31, New No.13
Nowroji Road, Chetpet
Chennai 600031

... Petitioner

/Vs/

1.The Director of Matriculation Schools
DPI Campus
College Road
Chennai 600 006

2.The Chief Education Officer, Chennai
DPI Campus
College Road
Chennai 600 006

3.Union Christian Matriculation Higher Secondary School
No.33, Nowroji Road, Chetpet
Chennai 600031
Respondents

...

Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records of the third Respondent in the impugned letter dated 03.05.2021 and quash the same.



W.P.No.12823 of 2021

WEB COPY

For Petitioner : Mr.V.P.Raman

For Respondents : Mr.P.Sanjai Gandhi
Government Advocate

Mr.John Zachariah (for R3)
for M/s.Fox Mandal Associates

ORDER

This Writ Petition has been filed for issuance of Writ of Certiorari to call for the records of the third Respondent in the impugned letter dated 03.05.2021 and quash the same.

2.W.M.P.No.30193 of 2021 has been filed to direct the third Respondent pending disposal of this Writ Petition to credit Petitioner's arrears of salary totalling to Rs.3,02,244/- (Rupees three lakhs two thousand two hundred and forty four only) for the academic years June 2021 to May 2023.

3.The Petitioner who got termination from service from the third Respondent school by virtue of order dated 03.05.2021 has filed this Writ Petition challenging the said order. The termination order was stayed by this Court by an interim order and the third Respondent has paid the salary to the Petitioner in compliance to the order of this Court, till her attainment of superannuation.



W.P.No.12823 of 2021

WEB COPY

4.Heard Mr.V.P.Raman, learned counsel for the Petitioner and Mr.P.Sanjai Gandhi, learned Government Advocate for Respondents 1 & 2 and Mr.John Zachariah, learned counsel for M/s.Fox Mandal Associates for the third Respondent.

5.Mr.V.P.Raman, learned counsel for the Petitioner submitted that the third Respondent did not come forward to settle her retiral benefits, just because the Petitioner had chosen to file Writ Petition and got an interim order.

6.Despite the Petitioner impleaded the Government as Respondents in this Writ Petition, no relief has been sought against the Government Respondents.

7.Mr.John Zachariah, learned counsel for the third Respondents submitted that the third Respondent school is an unaided school and hence the salary of the staff is not covered by the Government scheme.

8.Whatever may be the case, as per the termination order of the third Respondent dated 03.05.2021, the third Respondent assured to pay the full and



W.P.No.12823 of 2021

final settlement of the Petitioner, after the notice period ends on 07.07.2021.

But the termination did not come into effect in view of the stay order passed by this Court and the Petitioner got terminated in view of her superannuation. Though the Government Respondents are not liable to make any payment to the Petitioner, the third Respondent assured to pay full and final settlement and hence it cannot claimed that the salary that has been already paid to the Petitioner should be appropriated towards full and final settlement. Since the termination benefit is something different from the salary that was paid in compliance of the orders of this Court, the third Respondent shall not mix up both. The termination has been postponed till the date of the Petitioner's attainment of superannuation and hence the full and final settlement will arise only thereafter.

9.The third Respondent assured to pay the Petitioner as full and final settlement in his termination letter. But that has been issued before the Petitioner attained superannuation. Since the Petitioner has attained superannuation and termination of her services has arisen naturally, the relief claimed in respect of challenging the termination has become infructuous. In compliance with the above observation, the relief is modified to the effect that the third Respondent is directed to pay the full and final settlement to the



W.P.No.12823 of 2021

Petitioner and pass appropriate orders and disburse the amount within a period of six weeks from the date of receipt of a copy of this order along with all the attendant benefits on par with other employees who are similarly placed.

10. With the above direction, this Writ Petition and W.M.P.No.30193 of 2021 are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

21.11.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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To

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WEB COPY



W.P.No.12823 of 2021

R.N.MANJULA, J.

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