



W.P.Nos.27129 & 27133 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2023

CORAM :

THE HON'BLE Ms. JUSTICE R.N. MANJULA

W.P.Nos.27129 & 27133 of 2021

and

W.M.P. Nos.28602 & 28605 of 2021

In W.P.No.27129 of 2021:

1.P.Devika

2.S.Gowri

... Petitioners

Versus

1.The Chief Secretary,
Union Territory of Puducherry,
Puducherry – 605 001.

2.The Secretary to Government (Education),
Union Territory of Puducherry,
Chief Secretariat, Puducherry.

3.The Director,
Directorate of School Education,
Perunthalaivar Kamarajar Education Complex,
Ellapillaichavady, Puducherry – 606 005.

4.The Junior Accounts Officer,
Directorate of School Education,
Puducherry – 605 001.

5.The Headmistress and Correspondent,
Jayarani Government Aided High School,
No.196, Lal Bahadur Shastri Street,
Puducherry – 605 001.

...



W.P.Nos.27129 & 27133 of 2021

Respondents

In W.P.No.27133 of 2021:

- 1.A.Martin Kennedy PST
- 2.U.Savarimuthu Rayan TGT
- 3.A.Venislakharan TGT
- 4.A.Benjamin Fredrick PST

... Petitioners

Versus

- 1.The Chief Secretary,
Union Territory of Puducherry,
Puducherry – 605 001.
- 2.The Secretary to Government (Education),
Union Territory of Puducherry,
Chief Secretariat, Puducherry.
- 3.The Director,
Directorate of School Education,
Perunthalaivar Kamarajar Education Complex,
Ellapillaichavady, Puducherry – 606 005.
- 4.The Junior Accounts Officer,
Directorate of School Education,
Puducherry – 605 001.
- 5.The Correspondent,
Jayarani Government Aided Boys High School,
Karuvadikuppam,
Puducherry – 605 008.
- 6.The Headmisterss,
Fatima Government Adided Boys High School,
Karuvadikuppam, Puducherry – 605 008.

... Respondents



W.P.Nos.27129 & 27133 of 2021

WEB COPY

COMMON PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondents to disburse and continue to pay the salary due to the petitioners every month along with arrears of salary, bonus and DA arrears with interest computed at the rate of 6% per annum on account of deferred payment.

For Petitioner	:	Mr. D. Baskar
(in both cases)		
For Respondents	:	Mr. Ramasamy Meyyappan, (for R1)
(in both cases)		Government Advocate for UT, Puducherry.
	:	Mr. R. Syed Mustafa, (for R2 & R4)
		Special Government Pleader.

COMMON ORDER

Since the above two writ petitions are filed seeking directions to the respondents to disburse and continue to pay the salary due to the petitioners every month along with arrears of salary, bonus and DA arrears with interest computed at the rate of 6% per annum on account of deferred payment, they are heard together and are being disposed of by a common order.

2.The learned counsel for the petitioners submitted that the petitioners are trained graduate teachers employed with the respondents-



W.P.Nos.27129 & 27133 of 2021

school/Government Aided High School. The first and fourth respondents provides aid and salary and other perks. The fifth respondent school has been irregular in paying salary to teachers working in their school. Further, he would submit that the respondent has not paid the salary during the Covid-19 pandemic period and consequently between December 2019 to August, 2020. The first and fourth respondents released the amount during November 2020, which was 38.35% towards accumulated arrears alone was paid to the petitioners and paid salary from September 2020 upto July 2021 in full. Again from August 2021 to October 2021, it was not paid. Thus, the balance of 61.65% from December 2019 to August 2020 and from August 2021 till now and the bonus for the last three years along with DA arrears have to be paid by the respondents.

3.The learned counsel for the petitioners submitted that the petitioners have made representations dated 23.09.2021, 27.09.2021 and 28.09.2021 to the third respondent seeking outstanding salary due to them. Since the respondents did not take any action, the petitioners have filed the present writ petitions seeking the above said directions from the respondents.

4.The learned counsel for the petitioners has placed a Judgment of the



W.P.Nos.27129 & 27133 of 2021

Hon'ble Supreme Court, in the case of ***The State of Andhra Pradesh and another Vs.Smt Dinavahi Lakshmi Kameswari (Civil Appeal No.***

399/2021). The relevant paragraph No.14 of the said Judgment is extracted hereunder:-

“The direction for the payment of the deferred portions of the salaries and pensions is unexceptionable. Salaries are due to the employees of the State for services rendered. Salaries in other words constitute the rightful entitlement of the employees and are payable in accordance with law. Likewise, it is well settled that the payment of pension is for years of past service rendered by the pensioners to the State. Pensions are hence a matter of a rightful entitlement recognised by the applicable rules and regulations which govern the service of the employees of the State. The State Government has complied with the directions of this Court for the payment of the outstanding dues in two tranches.....”

5.The learned counsel for the petitioner has also relied on the decision rendered by this Court, in the case of, ***S.Seethalakshmi vs. The Chief Secretary, Union of Puducherry and Ors.***, made in W.P.No.2881 of 2021, dated 11.02.2021. The relevant portions of the said Judgment are extracted below:

“4. Considering the fact that the payment of pension has been ceased suddenly for the last one year, due to which, the petitioner has been facing



W.P.Nos.27129 & 27133 of 2021

financial crisis, this Court directs the petitioner to make a fresh representation before the respondent concerned, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the

same, the respondents are directed to consider the fresh representation of the petitioner and pass appropriate orders in accordance with law, after affording an opportunity of hearing to the petitioner, as expeditiously as possible, preferably within a period of 45 days thereafter.

5. The petitioner shall furnish her phone number, email ID, if any, etc., along with a copy of the fresh representation and this order, to the respondents. The respondents are directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the parties to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the parties, they will have to face the civil imprisonment in case of contempt proceedings and, if they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of attempt of delivery, so that the parties, at a later point of time, will not take a plea that she is not aware of the order.

6. With the above direction, this writ petition is disposed of. No costs."

6.In view of the above decisions rendered before the Hon'ble Supreme



W.P.Nos.27129 & 27133 of 2021

Court and this Court cited supra, the learned counsel for the petitioners requested this Court to pass orders in these writ petitions on the same line.

7.The learned counsel appearing on behalf of the respondents has not raised any serious objections to the above said submissions made by the learned counsel for the petitioners.

8.Considering the fact that the payment of salary and arrears has not yet been paid for more than a year from December 2019, and due to which, the petitioners have been suffering a financial crisis, hence, this Court finds it would be appropriate to issue directions to the respondents to consider the same.

9.Accordingly, the writ petitions are disposed as per the following terms:

i. The petitioners are directed to make fresh representations individually to the respondent concerned, within a period of two weeks from the date of receipt of a copy of this order.

ii. Upon receipt of the said representations, the respondents concerned are directed to consider the representations submitted by the petitioners and



W.P.Nos.27129 & 27133 of 2021

pass appropriate orders in accordance with the rules and in accordance with law, after affording an opportunity of hearing to the petitioners, as expeditiously as possible, preferably within a period of eight weeks thereafter.

10. With the above observations and directions, the Writ Petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

09.11.2023

Index : Yes/No
Speaking / Non-Speaking order
Neutral Citation : Yes/No

klt

To:

1. The Chief Secretary,
Union Territory of Puducherry,
Puducherry – 605 001.
2. The Secretary to Government (Education),
Union Territory of Puducherry,
Chief Secretariat, Puducherry.
3. The Director,
Directorate of School Education,
Perunthalaivar Kamarajar Education Complex,
Ellapillaichavady, Puducherry – 606 005.
4. The Junior Accounts Officer,
Directorate of School Education,
Puducherry – 605 001.



W.P.Nos.27129 & 27133 of 2021

5. The Headmistress and Correspondent,
Jayarani Government Aided High School,
No.196, Lal Bahadur Shastri Street,
Puducherry – 605 001.

R.N. MANJULA, J.

klt

W.P.Nos.27129 & 27133 of 2021
and
W.M.P. Nos.28602 & 28605 of 2021

09.11.2023