



W.P.(MD).No.16191 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 30.01.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.16191 of 2018
and
W.M.P.(MD).No.14424 of 2018

T.Selvaraj

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St.George, Chennai – 625 009.
- 2.The Director of School Education,
College Road, Chennai – 600 006.
- 3.The Joint Director of School Education,
(Personnel), College Road,
Chennai – 600 006.
- 4.The Chief Educational Officer,
Nagercoil, Kanyakumari District.
- 5.The Headmaster,
S.L.B.Government Higher Secondary School,
Nagercoil,
Kanyakumari District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the fourth respondent Chief Educational Officer vide Na.Ka.No.2773/Aa6/2010 dated 10.05.2018 (received on 17.07.2018) quash the same and further direct the respondents herein to disburse forthwith the arrears of salary and other benefits which the petitioner is legally entitled to for the period of 1 year 7 months and 4 days i.e., from 19.03.2010 to 23.10.2011 and regularize the said period.

For Petitioner : Mr.Ragatheesh Kumar,
For M/s.Isaac Chambers.

For Respondents : Mr.S.Kameswaran,
Government Advocate.

ORDER

This Writ Petition is filed challenging the impugned order dated 10.05.2018 with a direction to pay the arrears of salary and other benefits to the petitioner for the period of 1 year 7 months and 4 days i.e., from 19.03.2010 to 23.10.2011 and regularize the said period.



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2. The petitioner was transferred from Kanyakumari to Erode Government School. Challenging the transfer order dated 17.03.2010, the petitioner has filed Writ Petition in W.P.(MD).No.3733 of 2010. This Court vide order dated 23.03.2010 has granted an order of interim stay. The petitioner was not paid salary from 19.03.2010 to 23.10.2011. Subsequently, the petitioner faced disciplinary proceedings under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Pending disciplinary proceedings, the petitioner was allowed to retire. The petitioner has challenged the disciplinary proceedings, wherein this Court had granted interim order of stay. Subsequently, the respondents had allowed the petitioner to retire from service.

3. Therefore, this Court is quashing the impugned order. The respondents are directed to pay the salary for the period of “1 year 7 months and 4 days i.e., from 19.03.2010 to 23.10.2011” and other benefits applicable to the petitioner. If any terminal benefit is not paid, the same also shall be paid. The respondents are directed to regularize the non-employment period. The said exercise shall be carried out within a period of four (4) weeks from the date of receipt of a copy of this order.



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4. In view of the above, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

30.01.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

To

- 1.The Secretary,
The State of Tamil Nadu,
Department of School Education,
Fort St.George, Chennai – 625 009.
- 2.The Director of School Education,
College Road, Chennai – 600 006.
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S.SRIMATHY, J.

Nsr

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