



W.P(MD)No.29991 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.29991 of 2023

S.Nirmala

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of Higher Education,
Fort St. George,
Chennai-600 009.
- 2.The Director of Collegiate Education,
College Road, Chennai-600 006.
- 3.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli-627 002.
- 4.The Correspondent cum Secretary,
Sarah Tucker College (Autonomous),
Palayamkottai,
Tirunelveli-627 007.
- 5.The Principal,
Sarah Tucker College (Autonomous),
Palayamkottai,
Tirunelveli-627 007.

... 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 Mandamus, directing the respondents to sanction and disburse forthwith all the monetary benefits i.e., arrears of salary and other attendant benefits to the petitioner from the date of her appointment approval with effect from 17.06.2009 along with the interest to a tune of 8.5%.

For Petitioner : Mr.K.Ashaiq Ismail
for Mr.T.Cibi Chakraborty

For R-1 to R-3 : Mr.V.Om Prakash
Government Advocate

ORDER

The present writ petition has been filed by an Assistant Professor of an aided minority Institution seeking a Mandamus to disburse her arrears of salary from the date of her appointment, namely, 29.05.2009.

2. According to the learned Counsel appearing for the writ petitioner, the petitioner was appointed as an Assistant Professor in the Zoology Department of the fourth respondent College after getting prior permission for filling up the said post. She was appointed on 29.05.2009 and the order of appointment was sent for approval to the authorities.



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3. The third respondent herein vide his order, dated 11.03.2020 approved the appointment of the writ petitioner with effect from 17.06.2009. However, by an order, dated 12.03.2020, the order granting approval was recalled by the third respondent. The said recall order was challenged before this Court in W.P(MD)No.7642 of 2020. While the said writ petition was pending, the second respondent has cancelled the order of the third respondent and he had reaffirmed the order of approval passed by the third respondent, dated 12.03.2020. Recording the said order, the writ petition came to be disposed of by the learned Single Judge on 26.07.2021 with a direction to the College Management to resubmit the proposal for disbursement of salary and other attendant benefits. The authorities were directed to pass orders on the proposal for disbursement of salary within a period of four (4) weeks thereafter.

4. Even after the order of the learned Single Judge in W.P(MD)No.7642 of 2020, dated 26.07.2021, the authorities have not chosen to disburse the salary from 17.06.2009 onwards. Ultimately, the petitioner was granted monthly salary only from May 2022 onwards. The present writ petition has been filed seeking a direction as against the authorities to disburse the arrears of salary from 17.06.2009 till April 2022 with all attendant benefits.



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5. The learned Government Advocate appearing for the official respondents has received written instructions to the effect that the funds which they are receiving are sufficient only to satisfy the monthly salary of the Lecturers and for payment of arrears of salary and they are awaiting special grant from the Government. As and when a special grant is received from the Government, the arrears of salary would be disbursed by the authorities.

6. The learned Counsel appearing for the writ petitioner brought to the notice of the Court that another Assistant Professor, namely Hilda Mabel, who was appointed in the same College on 29.05.2009 has been disbursed with the salary arrears on 18.09.2019 itself. He further pointed out that both the petitioner and the said Hilda Mabel were appointed on the same day and their appointments have been approved with effect from 17.06.2009 onwards. Despite a time limit fixed by this Court in W.P(MD)No.7642 of 2020, dated 26.07.2021, so far, the arrears of salary has not been disbursed. Therefore, according to the learned Counsel appearing for the writ petitioner, the respondent authorities are delaying the disbursement of the amount for reasons best known to them.



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7. I have carefully considered the submissions made on either side and perused the material records.

8. There is no dispute that the petitioner's appointment as Assistant Professor in the fourth respondent College has been approved by the competent authorities with effect from 17.06.2009. However, the grant-in-aid with regard to the salary of the petitioner is been made only from May 2022 onwards. Despite an order passed by this Court in W.P(MD)No.7642 of 2020, dated 26.07.2021, the authorities have not chosen to disburse the arrears of salary from 17.06.2009 till April 2022. The petitioner has not received the salary for so many years in view of the lethargic attitude on the part of the authorities. After having approved the appointment of the writ petitioner, they cannot withhold the salary citing financial crunch, especially when they have released the arrears of salary to another Assistant Professor working in the same College who was appointed on the same day.

9. In view of the above said facts, this writ petition stands allowed. The respondents herein are directed to disburse all the monetary benefits including



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arrears of salary from 17.06.2009 onwards till April 2022 within a period of twelve (12) weeks from the date of receipt of copy of this order. The authorities are directed to strictly comply with the time limit fixed by this Court.

10. With the above said direction, this Writ Petition stands allowed.

There shall be no order as to costs.

18.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

- 1.The Secretary,
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- 2.The Director of Collegiate Education,
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- 3.The Joint Director of Collegiate Education,
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R.VIJAYAKUMAR, J.

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