



W.P(MD)No.30971 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2023

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.30971 of 2023

and

W.M.P(MD)No.26557 of 2023

T.Suja Gethsy

... 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,
St.John's College, Palayamkottai,
Tirunelveli-627 002.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to forthwith disburse the Grant in Aid towards the salary of the petitioner with arrears and other attendant benefits w.e.f



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17.06.2009 in light of the proceedings of the 3rd respondent in Pa.Mu.No. 004099/Aa2/2019, dated 11.05.2022 along with the interest to a tune of 8.5%.

For Petitioner : Mr.T.Cibi Chakraborty

For R1 - R3 : Mr.N.GA.Natraj
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 Tamil Department of the 4th 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.

3. The 3rd respondent herein vide his order, dated 11.05.2022 approved the appointment of the writ petitioner with effect from 17.06.2009. Even though approval order is granted, the authorities have



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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.

4. 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.

5. 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



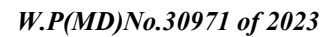
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from 17.06.2009 onwards. Therefore, according to the learned counsel appearing for the writ petitioner, the respondent authorities are delaying the disbursal of the amount for reasons best known to them.

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

7. There is no dispute that the petitioner's appointment as Assistant Professor in the 3rd 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. 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.

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



9. With the above said observations, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

1. The Secretary,
The State of Tamil Nadu,
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,
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4. The Correspondent cum Secretary,
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R.VIJAYAKUMAR,J.

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Order made in
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Dated:
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