



WEB COPY



Writ Appeal No.81 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.01.2024

CORAM

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU**

**Writ Appeal No.81 of 2021
and C.M.P.No.639 of 2021**

Dr.D.Ramkumar

... Appellant

Vs.

1. Union of India, rep.by its
Secretary to Government (Education)-cum-
Chairperson,
Pondicherry Society for Higher Education (PONSHE)
Government of Puducherry, Puducherry.
2. Union of India, rep. By its
Secretary to Government (Finance)
Government of Puducherry,
Puducherry.
3. Pondicherry Society for Higher Education(PONSHE)
rep. By its Member Secretary,
PIPMATE Complex,
Lawspet, Puducherry.
4. Directorate of Higher and Technical Education, rep. By its.
Director, PIPMATE Complex,
Lawspet, Puducherry.
5. Kasthurba College for Women, rep. By its.
Principal-cum-Drawing and Disbursement Officer,
Villianur, Puducherry.

.. Respondents



Writ Appeal No.81 of 2021

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order passed in W.P.No.9347 of 2020 dated 02.09.2020

For Appellant : Mr.C.Vigneswaran
For Respondents : Dr.B.Ramasamy,
Additional Government Pleader
[Puducherry]

JUDGMENT

(Judgment of the Court was delivered by R.SURESH KUMAR,J.)

This writ appeal has been directed against the order passed by the Writ Court dated 02.09.2020 made in W.P.No.9347 of 2020.

2. The appellant was employed and working as an Assistant Professor at the third respondent institute i.e., Pondicherry Society for Higher Education at Puducherry. His grievance was that, even though he had been appointed and had been working as a permanent faculty/Assistant Professor in that institute, he had not been paid with salary regularly, therefore, he had approached the Writ Court and filed the said writ petition.

3. The learned Judge, who heard the case has recorded that, upto July 2020 salary has been paid and for the month of August, 2020, it would be paid in due course as and when allocation was made. After



recording the same, the learned Judge has further held that, the writ petition need not be kept pending in order to facilitate monthly salaries to be paid to the petitioner. However, on the assurance given by the learned counsel for the third respondent that, as and when funds are made available salaries will be paid at the earliest, the Writ Court has held that the writ petition need not be kept pending. After making all these observations, the learned Judge has passed the following order:

“6. Recording the above submission of the learned counsel for the third respondent, the writ petition stands closed directing the third respondent to make payments towards salary as and when they become due and payable at the earliest, when the funds are available for the said purpose by the Government of Puducherry. No costs. Connected miscellaneous petition is closed.”

4. In the said operative portion of the order, the learned Judge also recorded that, the third respondent to make payments towards salary as and when they become due and payable at the earliest, whenever the funds are available for the said purpose by the Government of Puducherry.

5. Only the second limb of the sentence “whenever the funds are available for the said purpose by the Government of Puducherry”, is an



offending clause, whereby the appellant aggrieved had preferred this appeal.

6. Heard Mr.C.Vigneswaran, learned counsel appearing for the appellant and Dr.B.Ramasamy, learned Additional Government Pleader[Puducherry]appearing for the respondents.

7. Learned Additional Government Pleader [Puducherry] would submit that, till date, the salary is being paid regularly to the appellant, therefore in future also without any default every month salary would be paid to him.

8. When that being the position, we feel that, the last sentence of paragraph 6 of the impugned order that, “whenever the funds are available for the said purpose by the Government of Puducherry”, need not have been stated by the learned Judge. Hence, we feel that the said sentence can be deleted, except the same, the order otherwise passed by the learned Judge, which is impugned herein shall be sustained. Accordingly, the sentence viz., “whenever the funds are available for the said purpose by the Government of Puducherry.” of paragraph 6 of the



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impugned order is hereby deleted. The rest of the order shall remain intact.

With these clarification, this writ appeal is disposed of. No costs.

Connected miscellaneous petition is closed.

(R.S.K.,J.)

(K.B., J.)

29.01.2024

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation:Yes/No
mp

To

- 1.The Secretary to Government (Education)-cum-Chairperson,
Pondicherry Society for Higher Education (PONSHE)
Government of Puducherry, Puducherry.
2. The Secretary to Government (Finance)
Government of Puducherry,
Puducherry.
3. Pondicherry Society for Higher Education(PONSHE)
rep. By its Member Secretary,
PIPMATE Complex,
Lawspet, Puducherry.
4. Directorate of Higher and Technical Education, rep. By its.
Director, PIPMATE Complex,
Lawspet, Puducherry.

R.SURESH KUMAR., J.
and



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K.KUMARESH BABU.,J.

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