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W.A.No.789 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.03.2024

CORAM

THE HON'BLE Mr. JUSTICE R. MAHADEVAN
AND
THE HON'BLE Mr. JUSTICE MOHAMMED SHAFFIQ

W.A.No.789 of 2024
and
C.M.P.No.5318 of 2024

1.The Director of Elementary Education
College Road, Nungambakkam
Chennai 600 006

2.The District Elementary Educational Officer
Erode, Erode District

3.The Assistant Educational Officer
Ammappettai, Bhavani Taluk
Erode District

.. Appellants

Vs.

S.Sakthivel

.. Respondent

Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 27.11.2020 passed in W.P.No.18297 of 2007.

For Appellants : Mr.U.M.Ravichandran
Special Government Pleader

For Respondent : Mr.K.Thennan



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JUDGMENT

(delivered by R. MAHADEVAN, J.)

This writ appeal arises from the order dated 27.11.2020 passed by a learned Judge in WP. No. 18297 of 2007.

2. For the sake of clarity and better appreciation of facts, the parties are referred to as per their rank in this writ appeal.

3. The brief facts of the case are as follows :

3.1 The respondent joined duty as Secondary Grade Teacher on 31.07.1995, pursuant to the proceedings dated 27.07.1995 of the 2nd appellant, subject to evaluation of his Teacher Training Certificate, inasmuch as, it was obtained from the State of Karnataka.

3.2 While so, by proceedings dated 13.06.1997 of the 2nd appellant, the respondent was terminated from service on the ground that he did not possess 50% marks in the Secondary Grade Teacher Training as required under G.O.Ms.No.1236, Education (U) Department, dated 17.09.1984.

3.3 Challenging his termination, the respondent filed O.A.No.5599 of 1997 and by virtue of the order of stay granted in the said original application,



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he continued to hold the said post. However, eventually, the said O.A. was dismissed on 26.04.2002 and thereafter, the 2nd appellant passed an order of permanent termination on 09.01.2003 and he was relieved from service on 24.01.2003.

3.4 Since the respondent did not receive any pay for the period from 31.07.1995 to 24.01.2003, he filed OA No.2202 of 2004 before the Tamil Nadu Administrative Tribunal seeking a mandamus to direct the appellants to claim and disburse the arrears of pay and allowances due to him. On abolition of the Tribunal, the said original application was transferred to this court and re-numbered as W.P.No.18297 of 2007.

3.5 By order dated 27.11.2020, the learned Judge, following the order dated 30.04.2009 made in W.P. No.33240 of 2006 (M. Thomas vs. The Director of Teacher Education, Chennai - 6 and 4 others), disposed of the aforesaid writ petition filed by the respondent herein, by directing the 2nd appellant to pay salary to him for the period from 31.07.1995 to 24.01.2003, within a period of six weeks.

3.6 Aggrieved by the order so passed by the learned Judge, the appellant authorities are before this court with the present writ appeal.



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4. Today, when the writ appeal was taken up for hearing, the learned counsel for the respondent submitted that a sum of Rs.6,12,329/- is payable by the authorities to the respondent and to justify the said sum arrived at, he also filed a working sheet.

5. However, according to the learned Special Government Pleader appearing for the appellants, the actual amount payable to the respondent works out to only Rs.5,24,920/- and not Rs.6,12,329/-, as claimed by the respondent. Further, he fairly submitted that if reasonable time is given, the said amount will be settled by the authorities.

6. In a riposte, the learned counsel for the respondent submitted that the respondent is agreeable to be paid a sum of Rs.5,24,920/-, as submitted by the learned Special Government Pleader.

7. In view of the above, this writ appeal stands disposed of, by directing the 2nd appellant to pay the said sum of Rs.5,24,920/- to the respondent, within a period of two weeks from the date of receipt of a copy of this judgment. No costs. Connected C.M.P. is closed.



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8. Post this matter “for reporting compliance” on 16.04.2024.

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[R.M.D, J.] [M.S.Q, J.]
19.03.2024

Neutral Citation : Yes/No
gya/cad

To

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