



Writ Petition No.30549 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.30549 of 2024

&

W.M.P.No.33161 of 2024

M.Babu

S/o.Mariyappan

... Petitioner

Vs.

1. The Director of Elementary Education
Office of the Director of Elementary Education
D.P.I Campus, College Road,
Nungambakkam, Chennai.
2. The Chief Education Officer,
Office of the C.E.O.,
Dharmapuri, Dharmapuri District.
3. The District Education Officer,
Office of the D.E.O,
Harur, Harur Taluk,
Dharmapuri District.
4. The Block Education Officer,
Harur Block,
Harur, Dharmapuri District.
5. The Block Education Officer,
Office of the Block Education Office ,
Morappur, Harur Taluk,
Dharmapuri District.



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6. The Secretary
D.D.94, Morappur Panchayat Union School Teachers
Cooperative Threft Society,
Morappur, Harur Taluk,
Dharmapuri District.

7. The Secretary,
Harur Panchayat Union School Teachers
Cooperative Threft Society,
Harur, Harur Taluk,
Dharmapuri District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for records relating to the impugned letter in Na.Ka.No.989/A1/2024 dated 25.09.2024 on the file of the fifth respondent and quash the same and consequently direct the fifth respondent to send Last Pay Certificate (L.P.C) and service record of the petitioner to the fourth respondent based on the letter of the fourth respondent in Na.Ka.No.866/A3/2024 dated 07.08.2024 to enable the petitioner to draw his monthly salary which is due from the month of July, 2024 onwards and dispose the same within a time frame that may be fixed by Court.

For Petitioner : Mr.S.Arokia Mani Raj

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader
[R1 to R5]
Mrs.P.Rajarajeswari
Government Advocate [R6 and R7]

ORDER

This writ petition has been filed challenging the impugned letter dated 25.09.2024 issued by the fifth respondent and for a consequential



direction to the fifth respondent to send the last pay certificate [LPC] and service record of the petitioner to the fourth respondent to enable the petitioner to draw his monthly salary, which is due and payable from the month of July'2024.

2. When the matter came up for hearing on 22.10.2024, this Court, considering the direction petition filed along with the writ petition wherein the petitioner was willing for deduction of the monthly loan instalment towards the loan from his salary, directed learned Special Government Pleader appearing on behalf of respondents 1 to 5 and learned Government Advocate appearing on behalf of respondents 6 and 7 to take instructions. The matter was listed for hearing on 24.10.2024.

On that date, this Court passed the following order:

"When the matter was taken up for hearing today, the learned Government Advocate appearing on behalf of the respondents 6 & 7 submitted that the petitioner has taken loan from the 6th respondent Society and therefore, the petitioner has to repay back the entire loan and the interim direction as sought for by the petitioner cannot be acted upon. The learned Government Advocate further submitted that the petitioner can become a member of the 7th respondent Society and seek for a loan in order to repay back the loan to the 6th respondent Society. If the petitioner is willing to resort to this procedure, the 7th respondent will grant loan to the petitioner which can be utilized by the petitioner to repay back the loan due and payable to the 6th respondent. Thereafter, for the loan taken from the 7th respondent, the same will be deducted from the salary received by the



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petitioner from the 4th respondent. The learned Government Advocate submitted that if the petitioner gives an undertaking to that effect before this Court and based on the same, orders are passed by this Court, the respondents 6 & 7 will act upon the same.

2.The learned Special Government Pleader appearing on behalf of the 4th respondent submitted that the 4th respondent will comply with any directions issued by this Court in this regard. The learned Special Government Pleader further submitted that the Service Records of the petitioner will have to be transmitted by the 5th respondent to the office of the 4th respondent.

3.The learned counsel for the petitioner seeks for some more time to file an undertaking affidavit before this Court.

4.Post this case at the end of the motion list on 28.10.2024."

3. Heard Mr.S.Arokia Mani Raj, learned counsel for petitioner, Mrs.S.Mythreye Chandru, learned Special Government Pleader appearing for respondents 1 to 5 and Mrs.P.Rajarajeswari, learned Government Advocate appearing for respondents 6 and 7.

4. Pursuant to the above order, the matter was listed for hearing today. Learned counsel for petitioner filed affidavit of undertaking of the petitioner. The relevant portion is extracted hereunder:

"2. I respectfully submit that the 5th Respondent



relieved me from service on 23.07.2024 afternoon and I joined duty on 24.07.2024 forenoon without break. I hereby given undertaking to clear my all loan dues with the 6th Respondent, upon applying and getting fresh loan from the 7th Respondent.

3. I respectfully submit that I hereby also given undertaking to give consent to the 4th Respondent to deduct my loan instalments to be claimed from the 7th Respondent every month from my salary amount.

It is therefore prayed that this Hon'ble Court may be pleased to accept this Affidavit of undertaking submitted by me and direct the 5th Respondent to send L.P.C (Last Pay Certificate) & S.R (Service Records) to the 4th Respondent to enable me to avail the fresh loan facility from the 7th Respondent, and thus render justice."

5. In the light of the stand that has been taken on the side of respondents and the undertaking affidavit that has been filed by the petitioner, this Court is inclined to dispose of this writ petition in the following terms:

- (a) the petitioner is directed to make an application before the seventh respondent seeking for fresh loan in order to clear the loans that are due and payable to the sixth respondent society.
- (b) on such application being made by the petitioner, the seventh respondent shall sanction the loan and disburse the same to the petitioner within a period of four (4) weeks.
- (c) the petitioner, on receipt of the loan amount from the seventh



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respondent society, shall settle the loan amount that is due and payable to the sixth respondent society.

- (d) the service records of the petitioner shall be transmitted by the fifth respondent to the fourth respondent within a period of four (4) weeks.
- (e) the loan that is taken by the petitioner from the seventh respondent society shall be recovered from the monthly salary paid by the fourth respondent to the petitioner till the entire loan amount is repaid by the petitioner; and
- (f) the arrears of salary payable to the petitioner from July'2024 to October'2024 shall be settled to the petitioner by the fourth respondent within a period of six (6) weeks. The deduction from the monthly salary towards the loan taken by the petitioner from the seventh respondent society shall start from the month of December 2024.

This writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

29.10.2024

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order

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To

WEB COPY

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N.ANAND VENKATESH, J

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