



WP.(MD).No.132 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 13.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.132 of 2024

E.Angel Saral Rose

... Petitioner

Vs.

1.The Secretary to Government,
Department Higher Education,
St.George Fort, Chennai.

2.The Director of College Education,
D.P.I. Compound,
College Road,
Chennai.

3.The Regional Director of College Education,
Tirunelveli District,
Tirunelveli.

4.The Correspondent,
Sarah Tucker College,
Palayamkottai,
Tirunelveli District.

5.The Principal,
Sarah Tucker College,
Palayamkottai,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3rd and 4th respondents to forthwith sent the proposal for disbursing yearly



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increment, earn leave, etc and other such benefits along with proposal for promotion to the post of Assistant Professor (Senior Scale) to the petitioner and consequently on receipt of such proposal from the 4th respondent, direct 1 to 3 respondents to disburse yearly increment, earn leave, etc and other such benefits, further to grant approval for the promotion of petitioner as Assistant Professor (Senior Scale) and confer all other service monetary benefits.

For Petitioner : Mr.S.Chellapandian
For Respondents 1 to 3 : Mr.N.Ramesh Arumugam
Government Advocate
For Respondents 4 & 5 : Mr.Alwin Balan

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, seeking to direct the respondents 3 and 4 to forthwith sent the proposal for disbursing yearly increment, earn leave, etc and other such benefits along with proposal for promotion to the post of Assistant Professor (Senior Scale) to the petitioner and consequently on receipt of such proposal from the 4th respondent, direct 1 to 3 respondents to disburse yearly increment, earn leave, etc and other such benefits, further to grant approval for the promotion of petitioner as Assistant Professor (Senior Scale) and confer all other service monetary benefits.



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2.The brief facts which are necessary for the disposal of this

Writ Petition is as follows:-

The petitioner was appointed as an Assistant Professor (Commerce) in a sanctioned vacancy in the fourth respondent College on 04.10.2017. Since the respondents 1 to 3 did not accord approval to the petitioner's post, he filed a Writ Petition in W.P. (MD)No.20428 of 2018 to dispose of his proposal and this Court was pleased to pass an order on 26.09.2018, allowing the said Writ Petition by directing the respondents to approve the petitioner's appointment with effect from 04.10.2017. Pursuant to the same, the approval was granted by the respondents 1 to 3 and the 4th respondent forwarded the petitioner's claim and salary along with arrears, which were due to be released by the respondents 1 to 3. His salary was duly given by the respondents. However, his early increment and other benefits such as earned leave, medical disbursement were not conferred on him from the year 2018. For which, a proposal has been duly forwarded by the fourth respondent College to the respondents 1 to 3. Even then the same is not considered and his yearly increment and other benefits are not released so far. In view of the same, similarly placed persons made a request to the fifth respondent to sent a proposal for



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conferring early increment and other benefits. Hence, this Writ Petition came to be filed.

3.When the matter was taken up for hearing, the learned counsel for the respondents 4 and 5 submitted that the proposal has already been forwarded by the College and the same is pending before the respondents 1 to 3.

4.However, the learned Government Advocate for the respondents 1 to 3 submitted that such a proposal is yet awaited from the end of the Department.

5.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 to 3, the learned counsel appearing for the respondents 4 and 5 and carefully perused the entire materials available on record.

6.In view of the same, the fourth respondent is hereby directed to verify the records maintained by them and if proposal pertaining to the early increment and other incidental service benefits of the petitioner is not yet forwarded to the respondent 1



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to 3, the fourth respondent is directed to forthwith forward the same. On receipt of the same, the respondents 1 to 3 are directed to act upon and pass appropriate orders within a period of eight weeks from the date of receipt of copy of this order.

7.In view of the above, this Writ Petition stands disposed of.
There shall be no order as to costs.

13.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

Mrn

To

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L.VICTORIA GOWRI, J.

Mrn

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