



W.P.(MD)No.3723 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.3723 of 2024

Dr.J.Golden Ebenezer Jebamani

... Petitioner

vs.

- 1.The State of Tamilnadu
Rep. 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,
Sarah Tucker College (Autonomous),
Palayamkottai, Tirunelveli - 627 007.
- 5.The Principal,
Sarah Tucker College (Autonomous),
Palayamkottai, Tirunelveli - 627 007.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to sanction and disburse forthwith all the monetary benefits i.e., arrears of



W.P.(MD)No.3723 of 2024

salary and other attendant benefits to the petitioner from the date of her appointment approval w.e.f., 17.06.2009 along with the interest to a tune of 8.5%.

For Petitioner : Mr.T.Cibichakraborty

For Respondents : Mr.M.Siddharthan,
Additional Government Pleader
for R1 to R3
Mr.K.Vinayagam for R4

ORDER

Heard Mr.T.Cibichakraborty, learned counsel for the petitioner, Mr.M.Siddharthan, learned Additional Government Pleader for the respondents 1 to 3 and Mr.K.Vinayagam, learned counsel for the fourth respondent.

2. The petitioner has filed this petition seeking a Writ of Mandamus directing the respondents to sanction and disburse forthwith all the monetary benefits *i.e.*, arrears of salary and other attendant benefits to her from the date of approval of her appointment *w.e.f.*, 17.06.2009 along with the interest at the rate of 8.5% per annum.



W.P.(MD)No.3723 of 2024

WEB COPY

3. The petitioner has been appointed as Assistant Professor in the Department Mathematics in the fourth respondent College on 29.05.2009. Her appointment was also approved *w.e.f.*, 17.06.2009 as per the order of the third respondent dated 11.03.2020. However, her salary has been released only from the month of July 2022. The petitioner has given repeated representations to the respondents in this regard. But, so far, they have not been considered. Therefore, the present writ petition.

4. Earlier, a similarly placed person by name C.Nirmala Devi working as Assistant Professor in the fourth respondent College has filed a writ petition before this Court in W.P.(MD)No.3806 of 2024 seeking the same prayer and got her salary revised by order dated 18.04.2024. The relevant portion of the order is extracted hereunder.

"Mr.T.Cibichakraborty, learned counsel appearing for the petitioner submitted that similarly placed persons who were also appointed on the same date as that of the petitioner in the same College have got their salary revised. In fact, yet another Assistant Professor by name P.Jeba Evangeline has filed a writ



petition before this Court in W.P.(MD)No.29594 of 2023 seeking the same relief, wherein the following direction has been given.

"6. 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 from 17.06.2009 onwards. Despite a time limit fixed by this Court in W.P(MD)No.7642 of 2020, dated 26.07.2021, so far, the arrears of salary has not been disbursed. Therefore, according to the learned counsel appearing for the writ petitioner, the respondent authorities are delaying the disbursement of the amount for reasons best known to them.

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



8. *There is no dispute that the petitioner's appointment as Assistant Professor in the 4th 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 July 2022 onwards. Despite an order passed by this Court in W.P(MD)No.7642 of 2020, dated 26.07.2021, the authorities have not chosen to disburse the arrears of salary from 17.06.2009 till June 2022. 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*

9. *In view of the above said facts, the writ petition stands allowed. The respondents herein are directed to disburse all the monetary benefits including arrears of salary from 17.06.2009 onwards till June 2022 within a period of twelve (12) weeks from the*



W.P.(MD)No.3723 of 2024

date of receipt of copy of this order. The authorities are directed to strictly comply with the time limit fixed by this Court."

5. This petitioner has also been appointed on the same date as that of Assistant Professors by name Hilda Mabel and Jeba Evangeline in the same College. There is no quarrel on the point that the petitioner's appointment has been approved. Since this petitioner is similarly placed, I feel that she is also entitled to the same relief granted above."

5. In the instant case also, the petitioner was appointed on the same date when the Assistant Professors by name Hilda Mabel, Jeba Evangeline and Nirmala Devi have been appointed. Her appointment has been approved by the third respondent on 11.03.2020. Being a similarly placed person, the petitioner is also entitled to the relief granted to those persons.

6. In view of the above observations, the writ petition is **allowed** and the respondents herein are directed to disburse all the



W.P.(MD)No.3723 of 2024

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monetary benefits including arrears of salary from 17.06.2009 onwards till June 2022 within a period of 12 weeks from the date of receipt of a copy of this order. No costs.

25.04.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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To

- 1.The 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.



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W.P.(MD)No.3723 of 2024

R.N.MANJULA, J.

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W.P.(MD)No.3723 of 2024

25.04.2024