



WP(MD) No.5333 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.5333 of 2023

T.Vasantha Raja

... Petitioner

Vs.

1.The Vice Chancellor,
Tamil Nadu Agricultural University,
R1 Block, P.N.Pudur,
Coimbatore,
Coimbatore District – 641 003.

2.The Agriculture College and Research Institute,
Madurai, Rep. By its Dean,
Madurai – 625 104.

3.The Agriculture College and Research Institute,
Madurai, Rep. By its Professor and Head,
Department of Agronomy,
Madurai – 625 104.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent pertaining to its order bearing No.Pay.Ma.Tha/Vu.Thu./Vey.Ka.Ma.Aa.Ni./Madurai/Late. Thirumathi.T. Va./2022 dated 02.08.2022 and to quash the same and consequently



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directing the respondent to regularise the suspension period of the petitioner wife T. Valli that is from 10.10.2013 to 16.12.2013 and to pay the arrears of salary from 29.12.2012 to 06.02.2022 the said period within a time frame that may be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.A.Thirumurthy
Standing Counsel

ORDER

The petitioner has filed this Writ Petition challenging the impugned order passed by the second respondent dated 02.08.2022 with a consequential direction to the respondent to regularise the suspension period of the petitioner's mother, T.Valli ie., from 10.10.2013 to 16.12.2013 and to pay the arrears of salary from 29.12.2012 to 06.02.2022 within a time frame that may be fixed by this Court.

2. Heard the learned counsel on either side.

3. The petitioner's mother was engaged as casual labour from 1984 and she has been regularised as Mazdoor from 01.04.2008.



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Thereafter, the petitioner's mother was paid with regular time scale of pay. Subsequently, a case was registered against the petitioner's mother and his father in Crime No.665 of 2012 under Section 306 of IPC by Othakadai Police Station on 28.12.2012. The third respondent, by proceedings dated 10.10.2013, suspended the petitioner's mother from service and thereafter, she filed a writ petition in WP(MD)No.19216 of 2013, pursuant to which, suspension was revoked vide order dated 16.12.2013. Seeking regularisation of the suspension period of the petitioner's mother, an application has been filed, which was rejected vide the impugned order. Challenging the same, this writ petition has been filed by the petitioner.

4. The learned counsel appearing for the petitioner submitted that the impugned order has been passed only taking into consideration of the fact that the petitioner's mother is no more, but without taking the fact that she has right to seek those reliefs, if she survives.

5. The learned counsel appearing for the respondents submitted that the petitioner's mother was in unauthorised absence from



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27.12.2012 to 09.07.2013. The petitioner cannot claim pay for the period during which the petitioner's mother was absent.

6. Having regard to the submission made on either side, it is seen that the petitioner's father was also working as Mazdoor. Both father and mother were found to be involved in a criminal case and further action was dropped later. On 06.02.2022, the petitioner's mother died, while she was in service. The petitioner's mother had been paid with salary of Rs.10,700/- only, till her death. The petitioner's father made an application to the third respondent to regularise the period under which the petitioner's mother was kept under suspension and to pay the salary including the arrears of salary for the period from 29.12.2012 to 06.02.2022 and the same was rejected by way of the impugned order.

7. Insofar as the suspension period of the petitioner's mother is concerned, an order has been passed stating that the period under which the petitioner's mother was kept suspension is treated as loss of pay. Since the petitioner's mother is no more, the said order cannot be challenged by the petitioner. But insofar as the petitioner's mother's



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entitlement for getting pay arrears for the period from 27.12.2012 to 06.02.2022 is concerned, the petitioner is not able to work out on what basis the amount is to be calculated, when similarly placed persons were paid with Rs.21,000/-.

8. It is seen from the records that the period of suspension between 10.10.2013 and 16.12.2013 was treated as leave on loss of pay. So, the answer for the question of regularizing the suspension period of the petitioner's mother between 10.10.2013 and 16.12.2013 has been given. Even, the respondents have stated that the petitioner did not say any reason as to how her mother was paid with 10,700/- subsequent to revocation of suspension, where similarly placed persons were paid with Rs.21,000/-. This is probably, because the petitioner makes a comparison between the salary paid to the petitioner's mother and father, who is also similarly placed.

9. In such case, it is for the respondents to appreciate as to why such difference in wages was paid between the petitioner's mother and father, who were working as Mazdoor under the respondents. So, the



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death of the petitioner's mother does not have any relevance to decide her entitlement, which can be inherited by the petitioner as his legal heir and hence, the respondents ought not to have rejected the representation of the petitioner on the sole ground that the petitioner's mother died. It is for the respondents to give an answer as to how the petitioner's mother is not entitled to the arrears of pay as claimed by the petitioner.

10. With these observations, the impugned order dated 02.08.2022 is set aside and this writ petition is allowed accordingly. The matter is remanded back to the respondents to re-consider the representation of the petitioner, in light of the above observations made and pass orders afresh within a period of four weeks from the date of receipt of a copy of this order. No costs.

26.07.2024

Index : Yes / No
NCC : Yes / No
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R.N.MANJULA, J.

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Order made in
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