



WEB COPY

W.P.(MD) No.11710 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.11710 of 2021

Thresiamma Chacko

... Petitioner

-vs-

- 1.The Principal Secretary
Department of Higher Education
Government of Tamil Nadu
Chennai-600 009
- 2.The Director of Collegiate Education
Tirunelveli Region
Chennai-6
- 3.The Accountant General
Tamil Nadu
Teynampet
Chennai-600 018
- 4.The Joint Director of
Collegiate Education
Tirunelveli Region
Tirunelveli-627 002
- 5.The Secretary
Holy Cross College
Nagercoil
Kanyakumari District-629 004

... Respondents



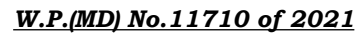
WEB COPY

W.P.(MD) No.11710 of 2021

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to pay (1) the salary for the reemployment period for 11 months (2) encashment of earned leave (of 4.5 months) (3) encashment of unearned leave on Private leave affairs (3 months) and (4) Special Provident Fund account each with 12 percentage interest from the date of retirement to the actual date of payment, along with (5) 12 percentage interest for the period of delay in the payment of pension , commutation of pension, Gratuity, closure and payment of Aided Colleges Provident Fund account and (6) to revise petitioner's pension on par with seven other teachers by taking his last pay drawn as Rs.204700/- and pay other related retirement benefits based on the revised pension, considering his representation dated 06.06.2021.

For Petitioner : Mr.S.Seenivasan

For Respondents : Mr.T.Amjad Khan
Government Advocate for R1, R2 & R4
Mr.P.Gunasekaran for R3



This writ petition has been filed by the petitioner for a mandamus seeking for a direction to the respondents to pay (a) the salary for the reemployment period for 11 months, (b) encashment of earned leave (of 4.5 months), (c) encashment of unearned leave on Private leave affairs (3 months), and (d) Special Provident Fund account each with 12 percentage interest from the date of retirement to the actual date of payment, along with (e) 12 percentage interest for the period of delay in the payment of pension, commutation of pension, gratuity, closure and payment of Aided Colleges Provident Fund account and (f) to revise his pension on par with seven other teachers by taking his last pay drawn as Rs.204700/- and pay other related retirement benefits, based on the revised pension, by considering his representation dated 06.06.2021.

2. As seen from the affidavit filed in support of this writ petition, the petitioner is aggrieved by pay anomaly. The proposal to rectify the pay anomaly has been sent by the fifth respondent – College, in which the petitioner was working, to the fourth respondent.



W.P.(MD) No.11710 of 2021

WEB COPY

3. Learned Government Advocate appearing for the official respondents, has placed on record the written instructions received by him from the official respondents, wherein the official respondents have stated that the proposal sent by the fifth respondent – College to rectify the pay anomaly of the petitioner was returned back to the fifth respondent – College by the fourth respondent on 18.04.2024 and the same has not been resubmitted by the fifth respondent – College till date. He would submit that once the proposal is resubmitted, the pay anomaly of the petitioner will be considered by the fourth respondents, on merits and in accordance with law.

4. This Court, therefore, directs the fifth respondent – College to resubmit the proposal for rectifying the pay anomaly of the petitioner to the fourth respondent by complying with all the requirements of the fourth respondent and on receipt of the said proposal, the fourth respondent shall pass final orders, on merits and in accordance with law, with regard to the request of the petitioner to rectify his pay anomaly, within a period of twelve weeks from the date of receipt of re-submission of the proposal by the fifth respondent – College.



WEB COPY

W.P.(MD) No.11710 of 2021

5. With the above directions, this writ petition is disposed of. No costs.

08.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

krk

To:

- 1.The Principal Secretary,
Department of Higher Education,
Government of Tamil Nadu,
Chennai-600 009.
- 2.The Director of Collegiate Education,
Tirunelveli Region,
Chennai-6.
- 3.The Joint Director of
Collegiate Education,
Tirunelveli Region,
Tirunelveli-627 002.



WEB COPY



W.P.(MD) No.11710 of 2021

ABDUL QUDDHOSE, J.

krk

W.P.(MD) No.11710 of 2021

08.08.2024