



WP(MD). No.11841 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 06.06.2024

CORAM

THE HON'BLE Ms.JUSTICE R.N.MANJULA

WP(MD) No.11841 of 2024

D.Jane Mercy Arputhamani

... 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 this Court to issue a Writ of Mandamus, directing the



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respondents to sanction and disburse forthwith all the monetary benefits i.e. arrears of 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 percent.

For Petitioner : Mr. T.Cibi Chakraborty

For Respondents : Mr.T.Amjad Khan for R1 to R3
Additional Government Pleader

ORDER

Heard Mr.T.Cibi Chakraborty, learned counsel for the petitioner and Mr.T.Amjad Khan, learned Government Advocate, for the respondents 1 to 3. Since no adverse order is going to be passed against the respondents 4 and 5, notice to the respondents 4 and 5 is dispensed with.

2.This writ petition has been filed for a direction to the respondents to sanction and disburse forthwith all the monetary benefits i.e. arrears of salary and other attendant benefits to the petitioner from the date of the approval of her appointment ie. w.e.f 17.06.2009 along with the interest at the rate of 8.5 percent.

3. By consent of both parties, this Writ Petition is taken up for



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final disposal at the stage of admission itself.

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4. The petitioner herein had given a representation to the respondents to release the salary payable to her from the year 17.06.2009 to 2020. Since the said representation was not considered by the respondents so far, the present writ petition has been filed.

5. From the representation made by the petitioner, the only reason assigned by the respondents for not releasing the arrears is due to insufficient funds, which cannot be a reason for withholding the arrears that are payable to an individual. Even when the Government itself is suffering with insufficient funds, it is needless to mention that the individual will also suffer due to financial constraints due to non payment of the salary for the aforesaid period.

6. Hence, the respondents 1 to 3 are directed to consider the representation of the petitioner dated 18.01.2024 and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.



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7. With the above direction, this writ petition is disposed of. No costs.

06.06.2024

NCC : Yes/No
Index : Yes/No

RR

TO

1. The Secretary, State of Tamilnadu,
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,
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R.N.MANJULA, J.

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ORDER
IN
WP(MD) No. 11841 of 2024

Date : 06.06.2024