

W.P(MD)No.9459 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 22.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE BATTU DEVANAND

W.P.(MD)No.9459 of 2025

D.Sankaran

...Petitioner

Vs.

1. State of Tamilnadu,
Rep. By The Secretary to Government
Higher Education Department,
St. George Fort,
Chennai – 9.

2. The Director of Collegiate Education,
College Road,
Chennai – 6.

3. The Joint Director of Collegiate Education,
Tirunelveli Regional,
Tirunelveli.

4. The Secretary / Chairman,
S.T. Hindu College,
Nagercoil,
Kanyakumari District.

...Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, in the nature of a writ of Certiorarified Mandamus calling for the records pertaining to the Impugned Order passed by the 3rd respondent in Na.Ka.No.6917/U2/2024 dated 24.02.2025 and quash the same and violation of the G.O.(Ms) No.61 dated 08.03.2023 with pay the arrear of salary in favour of the petitioner within a stipulated time as fixed by this Court.

For Petitioner : Mr.H.Velavadhas

For R1 to R3 : Mr.R.Baskaran
Additional Advocate General
for Mr.M.Siddarthan
Additional Government Pleader

For R4 : Mr.V.Panneerselvam

ORDER

This writ petition is filed to quash the impugned order passed by the 3rd respondent in Na.Ka.No.6917/U2/2024 dated 24.02.2025 and for consequential direction to the third respondent to pay the arrear of salary in favour of the petitioner within a stipulated time as fixed by this Court.

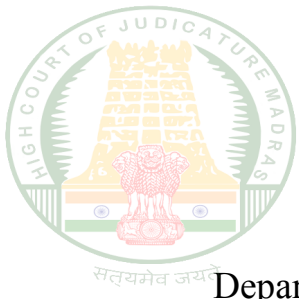


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2. Heard the learned counsel for the petitioner, Mr.R.Baskaran, learned Additional Advocate General assisted by Mr.Siddharthan, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.V.Panneerselvam, learned counsel for the fourth respondent and carefully examined the materials available on record.

3. The case of the petitioner is that he retired as Head of the Department of History in the fourth respondent College in July 2017 on attaining the age of superannuation. Thereafter, the fourth respondent College extended his service for one more year and in the month of May 2018, after completion of 36 years of service he retired. For payment of arrears of salary for the period between 2012 to 2015, the petitioner submitted a representation to the fourth respondent. Since the said representation has not been considered, the petitioner filed a writ petition in W.P(MD)No.22367 of 2024 before this Court seeking mandamus to implement G.O.(Ms.)No.61, Higher Education (H1) Department, dated 08.03.2023. While disposing the said writ petition, this Court directed the fifth respondent therein to consider the representation of the petitioner in the light of G.O(Ms.)No.61, Higher Education(H1)

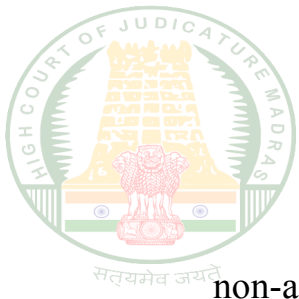


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Department dated 08.03.2023 and pass order on merits and in accordance with law within the period of eight weeks from the date of receipt of the copy of the order. In compliance of the said order, the fourth respondent school sent proposal to the third respondent to consider the claim of the petitioner on 08.10.2024. In response to the same, the third respondent issued proceedings dated 24.02.2025, wherein it is informed to the petitioner that anomaly bill claimed by the petitioner through the fourth respondent College shall not now be sanctioned in the light of the instructions of the Commissioner of Collegiate Education, Chennai, dated 28.01.2025, wherein it is instructed not to sanction any arrear bill due to non-allocation of sufficient funds. Aggrieved by the said order, dated 24.02.2025 of the third respondent, this writ petition is filed.

4. The learned counsel for the petitioner would submit that the order impugned in this writ petition is unsustainable under law in view of the fact that the reason stated for not considering the claim of the petitioner for her anomaly bill is untenable. The learned counsel further submits that the Commissioner of Collegiate Education, Chennai, should not instruct his subordinate officers not to sanction any arrear bills due to



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non-allocation of sufficient funds even in the case of specific direction from the Court.

5. On the other hand, the learned Additional Advocate General would submit that pursuant to the directions of this Court in WP(MD)No.22367 of 2024, the arrear bill of the petitioner was received from the fourth respondent on 08.10.2024 while the same was under consideration, the Director of Collegiate Education, Chennai, vide letter dated 28.01.2025 directed that no arrear bill shall be sanctioned other than the pay bills of January and February. Accordingly, the third respondent vide the impugned proceedings passed an order stating that the petitioner's arrear claim could not be processed as the funds were received only for the salary payment due to insufficient fund allotment.

6. The learned Additional Advocate General further submits that subsequently, the petitioner filed a contempt petition in Cont.P(MD)No. 333 of 2025. The said Contempt Petition is closed by granting liberty to the petitioner to challenge the proceedings dated 24.02.2025 and the same is under challenge in the present writ petition.



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7. On careful perusal of the materials available on record and after hearing the submissions of the respective counsels, admitted facts in this case are not in dispute. The petitioner approached this Court with a request to payment of arrears of salary for the period between 2012-2015 by implementing G.O(Ms.)No. 61 dated 08.03.2023 by considering his representation dated 07.02.2024. This Court by order dated 20.09.2024 directed to consider the representation of the petitioner in the light of the said Government Order within a time stipulated therein. It is also an admitted fact that in compliance of the said order, the fourth respondent College sent its proposal to the third respondent on 08.10.2024. While the said proposal is under consideration before the third respondent, the second respondent instructed the third respondent vide his letter dated 28.01.2025 that no arrear bill shall be sanctioned other than the pay bill for January and February. Following the said instructions, the third respondent issued the proceedings dated 24.02.2025 stating that the petitioner's arrear bill could not be processed as sufficient funds are not available. The proceedings dated 28.01.2025 of the second respondent are referred in the impugned order by the third respondent for passing the impugned order to avoid implementation of the order of the court taking



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the ground that sufficient funds are not available. The action of the second respondent in instructing the third respondent not to clear any arrear bills other than the pay bill is clear interference in the administration of justice. Such type of brazenness attitude of the respondents 2 and 3 should not be allowed by this Court which will cause irreparable loss to the petitioner. Such lawless attitude of them will damage the dignity and decorum of the constitutional courts. It is for the respondents to make funds available to implement the court orders. But, issuing such instructions not to implement the court orders on the ground of insufficient funds is not acceptable and it has to be dealt with seriously.

8. In view of the same, this Court intends to initiate *suo motu* contempt proceedings against the Director of Collegiate Education, Chennai, to uphold the majesty of this Court and to send a message to all not to come into the way in implementing the orders of the courts by issuing such instructions.

9. In view of the facts and circumstances of the case, the petitioner is entitled for the relief sought in this writ petition.



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10. For the reasons stated above, this writ petition is allowed with the following directions:

i) The order dated 24.02.2025 of the third respondent impugned herein is hereby quashed;

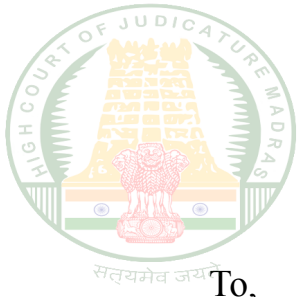
ii) The respondents 1 to 3 shall clear the arrear bills of the petitioner within a period of four weeks from the date of receipt of a copy of this order;

iii) The Registrar(Judicial), Madurai Bench of Madras High Court, Madurai, shall get the particulars of the Officer holding the post of the Director of Collegiate Education, Chennai from the Chief Secretary of Tamilnadu Government and register a contempt case *suo motu* against him and place the contempt case before the appropriate bench having roster.

There shall be no order as to costs.

22.04.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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Rep. By The Secretary to Government
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BATTU DEVANAND, J.

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