



W.P.(MD)No.17713 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.17713 of 2025

S.Jayadhas

... Petitioner

-VS-

1.The Director of Collegiate Education,
I.A.S.E. Campus,
577, Anna Salai, Saidapet,
Chennai - 600 015.

2.The Regional Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli.

3.The Secretary-cum-Correspondent,
Nesamony Memorial Christian College,
Marthandam.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to release the arrears of salary to the petitioner from 14.02.1994 to 23.02.2012 along with all attendant and consequential benefits, within a time frame stipulated by this Court.

For Petitioner : Mr.S.Balamurugan

For R1 and R2 : Mr.T.Amjadkhan
Government Advocate



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ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 and 2 to release the arrears of salary due to the petitioner for the period from 14.02.1994 to 23.02.2012, along with all attendant and consequential benefits, within a time frame as may be fixed by this Court.

2. By consent, this Writ Petition is disposed of, at the admission stage itself.

3. Since no adverse orders are going to be passed against the third respondent, notice to the third respondent is hereby dispensed with.

4. According to the petitioner, he was appointed as an 'Office Assistant' in the third respondent College on 14.02.1994 against a sanctioned vacancy. However, his appointment was belatedly approved with effect from 24.02.2012, as per proceedings dated 23.10.2014 and subsequently with retrospective effect from 14.02.1994, pursuant to the orders of this Court in W.P.(MD)No.22534 of 2015. Following the said direction, approval for salary disbursement was issued on 05.01.2022. However, despite such approval, the petitioner's arrears of salary for the period from 14.02.1994 to 23.02.2012 have not been disbursed.



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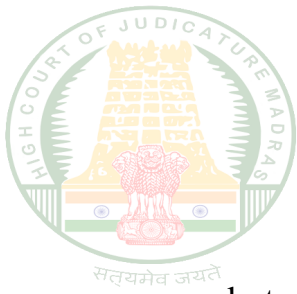
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5. Further, the similarly placed employees, who were granted similar approvals, have already been paid their respective arrears, whereas the petitioner has been discriminated without any justification. In this regard, the petitioner submitted a representation dated 23.04.2025 to the authorities, seeking the release of salary arrears along with all consequential benefits. However, the said representation has not evoked any response from the respondents.

6. The petitioner places reliance on the order dated 29.04.2025 passed by this Court in W.P.(MD)No.12533 of 2025, where, in a similar factual matrix, this Court directed the authorities to release arrears to the petitioner therein. In the absence of any alternative or efficacious remedy, the petitioner has approached this Court under Article 226 of the Constitution, seeking issuance of a Writ of Mandamus, directing the respondents to release the arrears of salary from 14.02.1994 to 23.02.2012 along with all attendant and consequential benefits, within a time frame to be stipulated by this Court.

7. Heard the learned counsel appearing for the parties.

8. It is needless to point out that whenever a representation of this nature is



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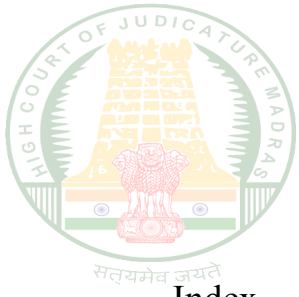
made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of the India and direct them to consider the same within a stipulated time.

9. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 23.04.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the first respondent to consider the same on its own merits.

9. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No

01.07.2025



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Index : Yes / No
smn2

To:-

- 1.The Director of Collegiate Education,
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- 2.The Regional Joint Director of Collegiate Education,
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VIVEK KUMAR SINGH, J.

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