



W.P.(MD)No.19277 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.19277 of 2025

R.Arul Jose

... Petitioner

-VS-

1.The Commissioner of Collegiate Education,
I.A.S.E. Campus,
577, Anna Salai,
Saidapet, Chennai – 600015.

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 disburse the salary and arrears of salary of the petitioner from 13.06.2007 to 20.10.2019 with all attendant consequential benefits, within a time frame stipulated by this Court.

For Petitioner : Mr.E.Martin Jayakumar

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



W.P.(MD)No.19277 of 2025

WEB COPY

For R3

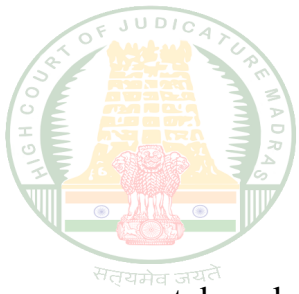
: Mr.G.Sailendrababu

ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 and 2 to disburse the salary and arrears of salary due to the petitioner for the period from 13.06.2007 to 20.10.2019, along with all attendant and consequential benefits, within a time frame to be stipulated by this Court.

2. The petitioner submits that he was appointed as a 'Sweeper' in a sanctioned post at the third respondent College with effect from 13.06.2007. However, despite his appointment, the petitioner was not paid his salary from the date of appointment. Although his appointment was subsequently regularized and salary disbursement sanctioned by the first respondent on 04.02.2022, the arrears for the period from 13.06.2007 to 20.10.2019 remain unpaid. It is submitted that similarly placed employees have received their arrears during the said period, thereby, creating an unjust and discriminatory situation against the petitioner.

3. The petitioner has made several representations, including one dated 02.07.2025, requesting release of the pending arrears, but no action has been

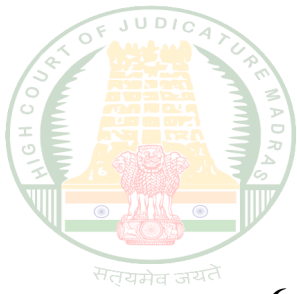


W.P.(MD)No.19277 of 2025

WEB COPY
taken by the respondents. It is also pertinent to mention that this Court, in W.P.(MD)No.12533 of 2025, has passed a direction regarding a similar matter, emphasizing the respondents' obligation to disburse pending arrears to employees in similar circumstances. In the light of the above, the petitioner has been compelled to approach this Court by way of the present writ petition seeking a Writ of Mandamus, directing the respondents to forthwith disburse the pending salary arrears along with consequential benefits due to him.

4. Heard both sides.

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



W.P.(MD)No.19277 of 2025

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6. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 02.07.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, within a period of six weeks 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.

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

NCC : Yes / No
Index : Yes / No
smn2

17.07.2025
(3/3)

To:-

1.The Commissioner of Collegiate Education,
I.A.S.E. Campus,
577, Anna Salai,
Saidapet, Chennai – 600015.



W.P.(MD)No.19277 of 2025

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



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W.P.(MD)No.19277 of 2025

VIVEK KUMAR SINGH, J.

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W.P.(MD)No.19277 of 2025

17.07.2025

(3/3)