



W.A.(MD)No.128 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.04.2025

CORAM:

**THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MRS JUSTICE S.SRIMATHY**

W.A.(MD)No.128 of 2024
and
C.M.P.(MD)No.1041 of 2024

1.The Manager,
High and Higher Secondary School,
CSI Thoothukudi Nazareth Diocese,
Nazareth, Caldwell School Campus,
100, Beach Road, Thoothukudi-628 001.

2.Premkumar Rajasingh

3.The Correspondent,
Mary Ann Best Girls Higher Secondary School,
Pandaranchettivilai-628 203,
Thoothukudi District.

...Appellants

-Vs-

1.P.Arul Jothi Kirubah

2.The Chief Educational Officer,
Thoothukudi.

3.The District Educational Officer,
Thoothukudi.

...Respondents



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PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent Act, to set aside the order of this Court made in W.P.(MD)No.7382 of 2023 dated 14.06.2023.

For Appellant : Mr.N.Dilip Kumar
For R2 & R3 : Mr.J.Ashok
Additional Government Pleader
For R1 : Mr.Kingsly Solomon

JUDGMENT

(Judgment of the Court was made by **S.SRIMATHY, J.**)

This writ appeal is filed against the order of this Court dated 14.06.2023 in W.P.(MD)No.7382 of 2023.

2.The first respondent was working as Headmistress in the third respondent School. At the verge of her retirement, alleging certain illegalities, the first respondent was suspended in the year 2022 and later she was issued with a charge memo in the year 2023. Challenging the charge memo and the suspension order, the first respondent herein filed writ petition. The said writ petition was disposed of by the impugned order directing the authorities concerned to conclude the disciplinary proceedings and also to disburse the monetary benefits and gratuity to the writ petitioner. Challenging the said order,



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the present writ appeal is filed by the School Management. The relevant passage of the order passed by the writ Court is extracted hereunder:

“4. Considering the special facts and circumstances obtaining in this case, I direct the respondents to appoint a chartered accountant having atleast ten years of standing and who is not a part of any of the committees which had concerned itself with the issue on hand as enquiry officer. This undertaking given by the private respondents is placed on record. Since the petitioner had already reached the age of superannuation, disciplinary action initiated against her should be concluded on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. It is further submitted that the pension papers of the petitioner have not been processed and therefore, the petitioner is not getting provisional pension. A person against whom disciplinary action has been initiated and suspended will be entitled to subsistence allowance. If she had crossed the age of superannuation and has not been allowed to retire, she must be paid provisionally. I direct the management to submit the relevant proposals to the concerned authorities and the competent authorities are directed to sanction and disburse provisional pension to the petitioner. This disbursement shall be done within a period of eight weeks from the date of receipt of a copy of this order. The gratuity and other monetary benefits which cannot be denied under any circumstances shall also be disbursed to the petitioner within a period of twelve weeks. All the contentions of the petitioner are left open. If in the enquiry, the presenting officer is a lawyer or a legally trained person who is not



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involved in this case, the petitioner also will be entitled to assistance of a lawyer. If the presenting officer is not from a legal background, the petitioner can only have the assistance of a non-legal person.”

3.Today, when the writ appeal was taken up for hearing, it was brought to the notice of this Court that pending this appeal, the first respondent was dismissed from service by the order of the first appellant dated 30.04.2024. Challenging the said order, the first respondent filed W.P.(MD)No.12202 of 2024, wherein the writ Court has directed the appellants to release the first respondent's GPF within a period of four weeks.

4.In view of the above subsequent development, we pass the following order:-

“If the first respondent succeeds in the pending writ petition, she will be entitled to all her retirement benefits. However, we make it clear that the first respondent is entitled to GPF, SPF and other contributions which were deducted from her salary. Citing dismissal order, the appellants cannot deny the first respondent's contribution, to which she is legally entitled though she was dismissed from service. Thus, the appellants are directed to pay the contribution amount to the



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first respondent within a period of six weeks from the date of receipt of
a copy of this judgment.”

5. With the above direction, this writ appeal is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

(J.N.B.,J.) (S.S.Y.,J.)
07.04.2025

Index : Yes/No
Internet : Yes/No
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To

1. The Chief Educational Officer,
Thoothukudi.
2. The District Educational Officer,
Thoothukudi.



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