



W.A.(MD) No.235 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2025

CORAM:

THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

W.A.(MD)No.235 of 2025

and

C.M.P(MD)No.1686 of 2025

- 1.The Secretary to Government
School Education Department,
Secretariat, Chennai-9.
- 2.The Director of School Education,
D.P.I Campus, College Road,
Chennai-6.
- 3.The District Educational Officer,
Sivagangai District, Sivaganga.

... Appellant/
Respondents

-Vs-

N.Muruganantham
Record Clerk,
Government Higher Secondary School,
Saligram,
Sivagnaga District.

... Respondents/
Writ petitioner



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, against the impugned order dated 05.04.2024 made in W.P(MD)No.6922 of 2024 by this Court.

For Petitioner : Mr.J.Ashok, Addl. Govt. Pleader
For Respondent : Mr.S.Govindan

ORDER

[Order of the Court was made by DR.G.JAYACHANDRAN, J.]

The respondent Muruganandam, joined as part time Sweeper in Education Department in the year 1994 and his service was later regularized. By virtue of G.O(Ms)No.76, dated 10.06.2014, he was entitled for arrears of pay to the tune of Rs.12 lakhs. The said amount was not paid immediately and in full. He was paid in parts till 2018. Being aggrieved by the non-payment of interest for the delayed payment, the writ petition was preferred by the said Muruganandam and this Court while considering the said writ petition in W.P(MD)No.6922 of 2024, which was disposed of on 05.04.2024, directing the School Education Department to pay interest at the rate of 6% from 10.06.2014 to till the date of payment within a period of six weeks.

2.The present appeal is preferred by the State through the Education Department contending that the delay in payment of arrears was due to the



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conduct of the respondent, who absent from reporting duty unauthorisedly for more than a year and that led to a litigation in W.P(MD)No.6757 of 2013. Soon after the disposal of the said writ petition, the entire arrears was paid to Muruganandam. Therefore, the Department is not liable to pay any interest as claimed by the writ petitioner/Muruganandam.

3.The averments made in the affidavit in support of the writ appeal and the grounds of appeal indicate that the said Muruganandam, who was appointed as part time Sweeper on 27.09.1994 on temporary basis, was absorbed into regular service, pursuant to the G.O.Ms.No.76, dated 10.06.2014. On regularization of his service, the said Muruganandam was entitled for arrears of pay and allowance for the period between 1994 to 2014. This arrears was paid in instalments.

4.Pendency of the writ petition preferred by Muruganandam in W.P(MD)No.6757 of 2013, is cited as reason for delay. This writ petition was disposed of on 10.05.2017 with the direction that the period of absence between 17.08.2011 to 13.09.2012 to be treated as duty period and regularized the service. Considering the said fact, this Court finds that there is a force and valid reason in the submission made by the learned Government Advocate appearing for the appellants. The delay in payment of the arrears was not deliberate action.



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5. Therefore, this Court holds that the respondent Muruganandam shall be entitled for interest for the arrears payable from 10.06.2014 upto the date of the writ petition reached finality regarding his regularization of service. Admittedly by end of 2018, the pay arrears and allowance been paid to the said Muruganandam. Hence, it is necessary to clarify that the order of the learned Single Judge to pay the interest at the rate of 6% p.a., shall be only for a period between 10.06.2014 to 31.12.2018. The appellants are directed to pay the interest for the aforesaid period within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above clarification, this Writ Appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[G.J., J.] & [R.P., J.]

05.02.2025

NCC : Yes / No
Index : Yes / No



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Ns

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