



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2016

CORAM :

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.5555 of 2016

WEB COPY

R.Valsalan

... Petitioner

Vs.

1.The Chief Educational Officer,
Kanyakumari District,Nagercoil.

2.The Headmaster,
Vilavancode Government Higher Secondary School,
Vilavancode,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent to regularize the period from the date of issuance of transfer order I.e., 07.10.2015 to till the date of joining duty I.e. 20.01.2016 as duty period and disburse the salary for the said period in view of the order passed in W.A.(MD) No.1312 of 2015 dated 14.12.2015 within time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.V.Muruganandam,
Addl. Government Pleader

ORDER

Mr.V.Muruganandam, learned Additional Government Pleader takes notice for the respondents. By consent of the learned counsel appearing on either side, the writ petition is taken up for final disposal at the stage of admission itself.

2.Heard the learned counsel appearing on either side.

3.The order of tranfer of the petitioner was earlier challenged in W.P.(MD) No.19970 of 2015 and this Court by order dated 03.11.2015 dismissed the same, which went to the Appellate stage in W.A. (MD) No.1312 of 2015. The Hon'ble Division Bench of this Court had set aside the order of transfer and allowed the petitioner to join the duty. Now, the present writ petition is filed for regularizing the period from the date of transfer order i.e 07.10.2015 till the date of joining i.e on 20.01.2016. This period is litigation period, during which, the petitioner got the order of transfer set aside. Admittedly, for this period the petitioner was not paid any salary. Unless the said period is regularized, he will not able to get his salary and other benefits. Hence, he sent a representation dated 31.12.2015. As there is no response, the petitioner is before this Court seeking a direction to the respondents to the first respondent to regularize the period from 07.10.2015 to 20.01.2016.



4. This Court, without going into the merits of the claim of the petitioner, directs the first respondent to consider the representation of the petitioner, dated 31.12.2015 and pass appropriate orders on the same on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

5. The writ petition stands disposed of accordingly. No costs.
Sd/
Assistant Registrar (CSII)

/TRUE COPY/

Sub Assistant Registrar (C.S)
Madurai Bench of Madras High Court,
Madurai.

To

1. The Chief Educational Officer,
Kanyakumari District, Nagercoil.

2. The Headmaster,
Vilavancode Government Higher Secondary School,
Vilavancode,
Kanyakumari District.

+1cc to M/S.G. Thalaimutharasu, Advocate in SR.No.15905
+1cc to Special Government Pleader in SR.No.16025

W.P (MD) No.5555 of 2016
21.03.2016

CM
PA/AN-MP/AR I/31.03.2016/2P/5C