

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2017

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THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

W.P. No. 2514 of 2017

&

W.M.P. No. 2480 of 2017

S. Jagannathan

... Petitioner

Vs.

1. The Government of Tamil Nadu,
rep. by the Secretary,
Agricultural Department,
Fort St. George,
Chennai - 9.
2. Tamil Nadu State Agricultural Marketing
Board rep. by the
Chief Executive Officer,
Thiru Vi Ka Industrial Estate,
Cipet Road, Guindy, Chennai 32.
3. The Assistant Secretary,
Tamil Nadu State Agricultural Marketing
Board ,
Thiru Vi Ka Industrial Estate,
Cipet Road, Guindy, Chennai 32.
4. The Asst. Executive Engineer,
Tamil Nadu State Agricultural Marketing
Board,
Vellore Sub-Division,
20, Lakshmi Nivas Nilayam,
New Sankaranpalayam Road,
Vellore 632 001.

... Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing 2nd and 4th respondents to pay the arrears of salary for the period from 05.11.1995 to 08.12.1996 and 01.11.2003 to 18.11.2005 in accordance with the proceedings of the 4th respondent dated 30.04.2013 and his service register and further direct the 4th respondent to refix and revise the pay of the petitioner as per proceeding dated 30.04.2013 and his Service Register and also

direct the 2nd and 4th respondents to pay the arrears of difference of salary of a sum of Rs. 1630/- per month from July 2013 till the date of payment along with proportionate increase on the basic pay of Rs.15,600/- per month along with interest.

For Petitioner :: Mr.M. Palani
For Respondents:: Mr.K. Dhananjayan,
Special Govt. Pleader

O R D E R

By consent, the main writ petition itself is taken up for final disposal.

2. Mr.K. Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents.

3. The facts leading to the present round of litigation have been narrated in detail in W.P. No. 2513 of 2017 and therefore, it is not necessary to state all the facts once again, except to cull out those facts that are necessary for the disposal of this writ petition.

4. The petitioner would state that though the 2nd respondent had requested for regularisation of the services of the petitioner with effect from the date of the order of the Tamil Nadu Administrative Tribunal dated 21.03.2003 and sought revised orders to the G.O. issued by the 1st respondent dated 31.10.2005, it was negatived by the 1st respondent vide letter dated 04.08.2006. It is further submitted by the petitioner that the 4th respondent had also made a break-up for the period from 05.11.1995 to 08.12.1996 and 01.11.2003 to 18.11.2005 and did not pay salary for these periods on the ground that he did not work for those periods and sought clarification from the 2nd respondent under letter dated 09.07.2013. According to the petitioner, insofar as the period from 05.11.1995 to 01.01.1996 is concerned, he had applied for medical leave as he was affected by jaundice and for the period between 02.01.1996 and 08.12.1996, though he had performed his duty, his salary was not paid, despite the direction given by the Tamil Nadu Administrative Tribunal to respondents 2 and 4 to pay the wages. In this regard, there have been repeated correspondence between the 2nd and 1st respondents and the 2nd respondent, vide letter No. m1/952/2007 dated 08.02.2016 sought a clarification regarding the regularisation of the period of absence of the petitioner and also payment of salary since the petitioner's service has been regularised and subsequently sent a note vide Letter No. m1/952/2007 dated 05.08.2016 furnishing the particulars of leave account of the petitioner.

5. Learned counsel for the petitioner would submit that though repeated correspondence have been going on between the 2nd respondent and the 1st respondent, the fact remains that the petitioner has not been paid with salary from 05.11.1995 to 08.12.1996 and from 01.11.2003 to 18.11.2005 and necessary orders have to be passed to pay arrears of salary @ Rs.1630/- per month from July, 2013 till date of payment along with proportionate increase on the basic pay of Rs.15,600/- per month along with interest and since, no orders have been passed, the petitioner is constrained to file this writ petition.

6. Mr.K. Dhananjayan, learned Special Government Pleader appearing for the respondents would contend that appropriate orders may be passed.

7. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 1st respondent to act on the communication of the 2nd respondent and take a decision with regard to the request made by the petitioner for payment of salary and pass orders, on merits and in accordance with law, as expeditiously as possible and not later than eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs. Connected W.M.P. is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

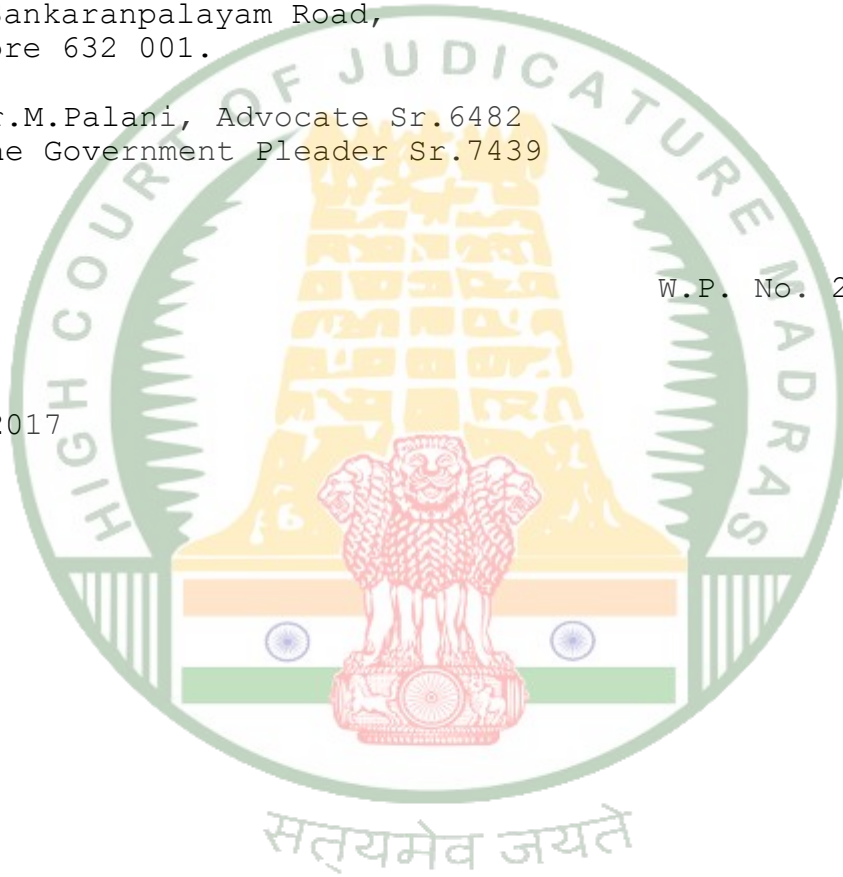
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+1cc to Mr.M.Palani, Advocate Sr.6482
+1cc to the Government Pleader Sr.7439

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