

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.21150 of 2004  
and  
WPMP.No.25545 of 2004

P. Arivalagan

... Petitioner

Vs.

1. The Deputy Director of Sericulture (PRC)  
Deputy Director (Admn) I/o  
Office of Director of Sericulture,  
Department of Sericulture,  
Focus Complex, Anaimeedu,  
Salem - 1.
  2. Director of Sericulture,  
Department of Sericulture,  
Focus Complex, Anaimeedu,  
Salem - 1.
  3. Secretary to the Government  
of Tamil Nadu,  
Handlooms, Handicrafts,  
Textiles & Kadhi Department,  
Secretariat, Chennai - 600 009.
- ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to allow the petitioner to rejoin the duty in his last worked post with payment of entire arrears of salary and other service benefits from 05.12.2003.

For Petitioner : No appearance  
For Respondents : Mr.A.Zakkir Hussain  
Government Advocate

O R D E R

The Writ Petition has been filed to issue a Writ of Mandamus to direct the respondents to allow the petitioner to rejoin the duty in his last worked post with payment of entire arrears of salary and other service benefits from 05.12.2003.

2. No representation for the petitioner and heard the learned counsel for the respondents.

3. Admittedly, the case of the petitioner is that the petitioner was appointed on 24.12.1997 as computer programmer in the second respondent organisation. He was on leave on 17.11.2003 to 30.11.2003. On 01.12.2003, he attended the office and reported to the first respondent. However, the first respondent did not permit the petitioner to join the duty. Thereafter, again he was absented from 01.12.2003 to 04.12.2003 the period for which he was not permitted to join the duty. Thereafter he reported to join the duty again to second respondent on 05.12.2003 along with fitness and medical certificates for the above said absent period. Even then, the respondent did not permit him to join duty on the ground of "Swaminathan Committee" as category of post held by the petitioner was excess.

4. In the meanwhile, the petitioner was issued with the charge memo for his unauthorised absence on 04.01.2004 and subsequently on 09.03.2004, without challenging the charge memo issued by the second respondent, the petitioner filed a Writ of Mandamus for joining duty, which is not sustainable. Accordingly, the writ petition is dismissed. However, liberty is granted to the petitioner to challenge the impugned order of the other proceedings in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

सत्यमेव जयते

//True Copy//

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Sub Assistant Registrar

gv

To

1. The Deputy Director of Sericulture (PRC)  
Deputy Director (Admn) I/o  
Office of Director of Sericulture,  
Department of Sericulture,  
Focus Complex, Anaaimedu,  
Salem - 1.

2. Director of Sericulture,  
Department of Sericulture,  
Focus Complex, Anaaimedu,  
Salem - 1.

3. Secretary to the Government of Tamil Nadu,  
Handlooms, Handicrafts, Textiles &  
Kadhi Department,  
Secretariat, Chennai - 600 009.

+ 1 cc to Mr.R. Swaminathan, Advocate Sr.60898

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RK(CO)  
EU(05/10/2017)



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